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M E M O I R S

OF THE

HOUSE OF HAMILTON,

Corrected.

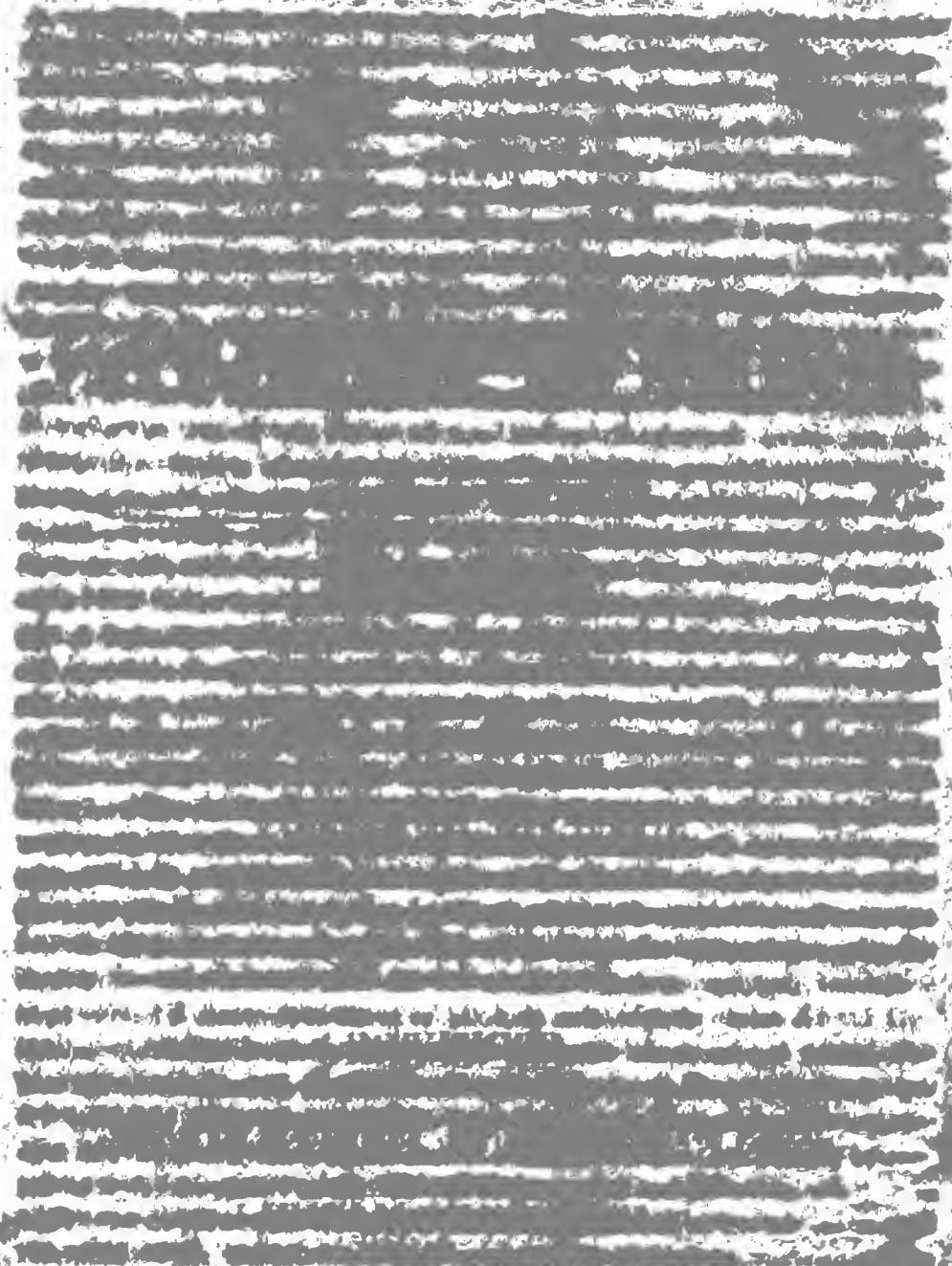
WITH AN ADDITION.

EDINBURGH:

JOHN STEVENSON, 87, PRINCE'S STREET.

MDCCCXXVIII.

# СИМФОНИЯ



[Hamilton, (Doctor), of Bardonie.]

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**Corrected.**

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EDINBURGH :

JOHN STEVENSON, 87, PRINCE'S STREET.

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EDINBURGH:  
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## CORRECTION.

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IN the Supplement to the Historical and Genealogical Memoirs of the House of Hamilton, published by Mr Anderson, 1827, that gentleman has inserted (page 453) some objections that have been made to the account given of the Hamiltons of Bardowie, with an answer by Mr Riddell, which Mr Anderson considers as setting the point fairly at rest. The answer by Mr Riddell is far from appearing to Dr Hamilton of Bardowie so conclusive, as it seems to have been to Mr Anderson ; and before the assertions, which it contains, be admitted, the subject would require a more patient and careful examination than it would appear to have obtained ; and the following circumstances especially, require farther investigation :—

I. Dr Hamilton alleges, that there is no proof of Buthernok having been ever held immediately of the Earls of Lennox by the Galbraiths, so that the superiority could not come to the Hamiltons by a marriage with that family. This Mr Riddell denies ; (page 457) and in order to prove his theory, quotes the original charter of these lands, dated 1238, in which he says, “ Malcolm Earl of Lennox grants to William, the son of Arthur filii Galbraith, the two Bothernocks. This, as every antiquarian knows, is one of the heads of the Galbraiths, patronymically designed after Galbraith,

## CORRECTION.

the ancestor of the clan." Respecting this assertion, Dr Hamilton would, in the *first* place, observe the want of care with which this charter is quoted, which cannot fail to throw a doubt on the other quotations of this author. In 1238, Malcolm was not Earl of Lennox ; and the extract from the charter, in the possession of Dr Hamilton, is as follows :—" *Omnibus—hoc scriptum—audituris MALDOUNY Comes de Lennox salutem, sciatis me dedit—Willielmo filio Arthuri filio Galbrat tres carucatos terræ in Lennax, viz. duas Buchernoks et tertiam carucatam terræ, que vocatur Kinkaith—dat. apud Fyntry sedecimo die Martii anno gratiæ 1228.*" Among the witnesses is Mauricius filius Galbrat, so that this person named Galbrat, would appear to have had two sons, Maurice and Arthur, the first of whom was laird of Cattonbenech (Chart. of Lennox No. 57.) and the second was father of the laird of Buchernok (ibid. No. 18.) It is evident that in this charter, Galbrat is used as a proper name, and is not a surname or family appellation. Had the clan Galbraith been "designed patronimically," as Mr Riddell alleges, as being descended of this Galbrat, they would, according to the custom of Lennox, have been designed filii Galbrat or Macgalbrat. On the contrary, they are often designed de Galbraith, which clearly shews that their surname or family appellation was not patronimic, but local, derived from their possessions, and not from an ancestor.

The Arthur filius Galbrat, mentioned in the charter of 1238, Mr. Riddell alleges is designed by the Earl in another deed, simply Arthur Galbraith, for which he quotes the chartulary of Lennox, p. 11. meaning by this, a transcript of that chartulary extant in the Advocate's Library, where it is called *Chartularium Brittodunense*. Dr Hamilton possesses an extract from the same chartulary ; but as the pages are different in the two manuscripts, he cannot with certainty follow Mr Riddell's quotations ; and the careless manner in which the charter of 1238 has been quoted, renders it impossible to place confidence in his accuracy. There is an Arthur Galbrath, or Arthur de Galbraith, who is also sometimes styled Miles, and who appears frequently in the charters of Malcolm I. Earl of Lennox, and it is probably this person that Mr Riddell had in view, as he confounded Earl Malcolm with Earl Maldoueny ; but this Arthur cannot well be supposed the same with Arthur filius Galbrat, mentioned in the charter of 1238 ; for in this year, William, the son of Arthur filius Galbrat, obtained the lands of Buchernok from Maldoueny, Earl of Lennox. Arthur filius

Galbrat, therefore, was probably contemporary with Alwin the father of Maldoueny, and in 1238, was probably dead ; but the Arthur de Galbrath Miles, flourished chiefly in the time of Malcolm the son of Maldoueny, and was no doubt a different person from Arthur filius Galbrat. In fact, from the charter of the lands of Auchincloch (chart. Len. No. 58.) it would appear that Arthur de Galbrath was the son of Maurice, the son of Gilaspik Galbrait. This charter was granted by Earl Maldoueny, to Maurice and his son Arthur, then probably a boy, as he rose to great distinction in the time of the first Earl Malcolm. Mr Riddell indeed, it is imagined, has been misled by Nisbet, and did not consult the Transcript of the chartulary of Lennox, for he quotes, on this occasion, Nisbet's Heraldry, vol. ii. p. 36. the passage in which stands thus :—“ Arthur de Galbrait—The first (meaning of this family) I have seen is Gillespick Galbrait, who is witness in a charter by Malduin, Earl of Lennox, to Humphry Kilpatrick of the lands of Colquhoun. The same Earl Malduin gives a charter to Maurice, son of this Gilespick, of the lands of Boternok, Killern, &c. They came to be designed, domini de Gartconnel. Willielmus de Galbraith dominus de Gartconnel, in the reign of Robert III. had three daughters, one married to John Hamilton, a son of the house of Cadiow, the predecessor of the Hamiltons of Badernock and Bardowie ; another to Nicol Douglass,” &c. Now, although Nisbet is right in thinking, that Arthur the chief of the clan Galbraith, was son of Maurice, son of Gilespick de Galbraith, and that William de Galbraith dominus de Kattonval (not Gartconnel) was the descendant and representative of Arthur, chief of the Galbraiths ; yet all that remains of his assertions is erroneous. There is no charter of Badernock (Buchernok) in the chartulary of Lennox, except that of 1238, and those to John Hamilton ; and the charter by Earl Malduin (Maldoueny) to Maurice the son of Gilespick Galbraith, conveys the lands of Auchincloch or Auchincloyt, but neither Badernock nor Killern. But the charter of 1381, (Anderson's Supplement, p. 453.) puts the nature of the tenure of Badernock, by the Galbraiths, beyond doubt. It appears from this, that William de Galbrath dominus de Kattonvall, held part of Buchernok of David de Hamyltoun et Joneta de Keth sponsa sua, the intermediate superiors of the whole ; and so far from John the son of David de Hamyltoun, and Janeta de Keth, having acquired Badernock by marrying the daughter of William de Galbrath, that William had a son named James, to whom he transferred his lands in Buchernok. Besides, it is clear from a charter

dated 1394, (chart. of Lennox, No. 19,) that this John Hamylton married Margaret Frazer, and not a Galbraith. There cannot, therefore, be any foundation for the story of the Hamilton's having acquired Buchernok by the intermarriage of John Hamilton with the Galbraiths, as Nisbet asserts; for it is clearly shown, that the male line of the Galbraiths continued to hold their lands in Buchernok, after the Hamilton's had acquired their rights in these lands. The same argument must be still more conclusive against Mr Riddell's assertion, that Bothernock came to the Keiths by a marriage with the Galbraiths, and from the Keiths, was again transferred by marriage to the Hamiltons.

II. The most essential point of difference between Mr Riddell and Dr Hamilton is, concerning the charter of Buthernok, granted to Johannes de Hamilton, shortly previous to 1394. This difference, Mr Riddell thus states, (Anderson's Suppl. p. 457.) "the learned Doctor, however, seems to have fallen into even a greater error in his next statement, that John Hamilton, first of Bardowie, husband of Margaret Frazer, obtained Bothernock upon his own resignation, and not upon that of any Laird of Cadyow. The contrary is directly proved by the chartulary of Lennox, in the deed referred to by him in support of his allegation, where it is expressly stated, that Buthernock *had been resigned, not by that John*, but by *Dominus Johannes Hamilton*, styled the former possessor and vassal of the Earl of Lennox, immediately upon which, the lands are first confirmed by the latter to John. The Doctor inadvertently confounds this personage, who was a knight, with John Hamilton, the first of Bardowie or Bothernock, who is clearly proved by this and other evidence he quotes, in 1394, not to have been so." Now, whether Mr Riddell's or Dr Hamilton's account of this charter is the most correct, will appear from the following copy, extracted from the transcript in the Advocate's Library.

Ch. 19. p. 21.  
and  
Ch. 109. p. 120.

CHARTA de terris de Bothernok facta Johanni de Hamilton per  
Duncanum Comitem de Lennox.

Omnibus hanc chartam visuris vel audituris Duncanus Comes de Levenax salutem in Domino sempiternam, vestra noverit universitas nos dedisse.

concessisse et hac præsenti charta nostra confirmasse dilecto et fideli nostro Johanni de Hamilton pro suo homagio et servitio totas terras de Buthernok cum suis pertinentiis, jacentes in Comitatu nostro de Levenax infra vicecomitatus de Strivelyng et de Dumbretane, quas dominus Johannes de Hamilton antea de nobis tenuit in capite et has dictus dominus Johannes non vi aut metu ductus, nec errore lapsus, sed mera et spontanea voluntate sua nobis per fustum et baculum in præsentia plurimorum virorum nobilium apud Port-Glassach sursum reddidit, pureque et simpliciter resignavit ac totum jus et clameum quæ in iisdem terris cum pertinentiis ejusdem habuit vel habere potuit pro se et heredibus suis omnino quietum clamavit in perpetuum. Tenend. et Habend. dictas terras cum pertinentiis eidem Johanni et hæredibus suis, de nobis et hæredibus nostris in feodo et hereditate per omnes rectas metas et divisas suas, in boscis, planis, moris, maresiis, pratis, pascuis et pasturis, in viis et semitiis, aquis, stagnis et molendinis, aucupationibus et piscariis cum tenandiis et tenantium servitiis, una cum ecclesiarum advocationibus, cum omnibus aliis libertatibus communitatibus asiamenti et justis pertinentiis quibuscumque ad dictas terras cum pertinentiis spectantibus seu quoque modo juste spectare valentibus in futurum, libere, quiete, plenarie, integre et honorifice, bene et in pace sine retinemento quoconque. Reddendo inde annuatim dictus Johannes et hæredes sui, nobis et hæredibus nostris dimidiam marcam argenti infra nundinas de Glasgow, et faciendo inde nobis et hæredibus nostris servitium antedictum et forensecum servitium domini nostri regis cum evenerit quantum pertinet ad tantas terras infra nostrum comitatum de Levenax pro omni servitio seculari exactione, et demanda. In cuius rei testimonium sigillum nostrum præsenti chartæ nostræ fecimus apponi : His testibus Domino Johanne de Striveling, Umfrido de Cunnyngham Militibus, Umfrido de Colquhoune, Waltero de Buchanane, Alexandro Logane senescallo nostro, Johanne Menzies cum multis aliis.—*Chartularium Britannodunense*, p. 39.

In this it appears clear, that the same person (eidem Johanni) who resigned the lands, obtained the new grant, and there is no mention made of either one or other being a knight, as Mr Riddell asserts. Mr Riddell seems to think, that the person who resigned Buthernok, being called Dominus, is a proof of his being Sir John Hamilton of Cadyow; but in the charter immediately following in the chartulary of Lennox, the John Hamilton, married to Margaret Frazer, is, by the same Earl, called Johannes

de Hamilton dominus de Buthernok. Every candid person must be satisfied that Dr Hamilton's account of this charter is correct, and it will remain for Messrs Anderson and Riddell to explain how they were led to make the assertions contained in the passage above quoted, and in the note, page 210 of Mr Anderson's Memoirs. It seems evident, as Mr Riddell states, that if John Hamilton, first of Bardowie, had been a younger son of the Cadyow family, the charter of Buthernok to him must have been on the resignation of Sir John Hamilton of Cadyow; but as the charter was granted to him on his own resignation, it is clear that he was the son and heir of David de Hamyltoun, and Janet de Keth, mentioned in the charter of 1381; and as he is different from Sir John, his father David could not have been Sir David Hamilton of Cadyou.

III. Mr Riddell asserts, (suppl. p. 455), that there is no inconsistency in supposing the David de Hamilton, who, as witness, styles himself de Cadyow, to be the same with the David de Hamilton, who, without assuming this title, grants the charter of 1381, as superior of Buthernok; but in page 454, line 9, Mr Anderson states the argument fairly; and he says, "I readily admit that they were not the same person." He supposes the witness to be the father, and the superior of Buthernok to be the son, who had acquired the estate by marriage. On this account Mr Riddell endeavours, (page 455,) to shew that Sir David the elder must have been alive in 1381. But in 1378, the David Hamilton, whose wife's name was Janet, and who it is admitted was David Hamilton the younger, must have been head of the house, and his father dead, as the king allows him to retain a compensation for his wife's lands out of the rent due from Cadyou, to the feu-farm of which he must then have succeeded. Dr Hamilton still thinks that the witness and confirmor of the charter 1381, being differently designed, is a strong proof of their being different persons; for, in similar cases, where the same person witnesses and confirms the same deed, he in both acts uses the same title; thus the grant of the lands of Croine, by Thomas de Cromenane to Murdoch Makchok, is witnessed by Malcolm, Earl of Lennox, and the same Earl, as superior of Thomas de Cromenane, confirms the grant, but then in both deeds he is styled Malcolmus Comes de Lennox, (Extracts from Chart. Lennox, No. 116, and No. 9.) As, therefore, in 1381, the elder Sir David Hamilton of Cadyow was dead, the David Hamilton of Cadyow, who witnessed the settlement of William de

Galbraith, must have been the second David Hamilton of Cadyow, and the David Hamilton, who, as superior of William de Galbraith, confirmed the settlement, must have been a person of a different family.

IV. Mr Riddell, however, laying aside these circumstances, returns to what he considers as being alone decisive of the controversy, and this is, that the charter of 1381 is dated "at our manor of Dalserf." Now, if Mr Riddell had shewn that the Cadyow family had a residence, or manerium, at Dalserf about this period, Dr Hamilton should readily have agreed with him; but what is the proof that he advances: "Every fief, or barony, had a manor, as it was called, which was peculiar to it, and where the proprietor resided; but Dalserf was a manor, and it therefore must be *the* manor of the Cadyow family, Lords of the barony of Machane, in which Dalserf is situated." To this it may be replied, "there might be many fiefs in Machane, each of which would have a manerium, or *principua feudi domus*, and therefore Mr Riddell's argument will not be considered conclusive, unless he shews that the Cadyow family resided at Dalserf. He indeed says that Dalserf is instructed by a royal charter, early in the fifteenth century, to be a member of Machan, (which Dr Hamilton readily admits,) when the dominium utile was clearly in the family. Here he evidently alludes to a charter dated 18th April, 1426, of which the following extract is taken from the collection of the late Laird of Macfarlane, in the Advocates' Library:

Charta Jacobo de Hammiltoun, filio et apparenti hæredi Jacobi de Hammiltoune de Cadiou et hæredibus suis, de omnibus et singulis terris de <sup>Lib. 11, No. 90, Great Seal Record.</sup> Dalserf cum pertinentiis jacent: in Baronia de Machane infra vicecomitatum de Lanark, ad regem ratione eschaetæ spectant: ex eo quod prædictus Jacobus de Hammiltoun de Cadiou dictas terras cum pertinentiis de facto contulit. David de Hamilton fratri suo per cartam suam sub sigillo suo ac ipsum sasire fecit corporaliter in eisdem absque consensu regis seu gubernatoris regni sui tunc temporis in absentia regis seu confirmatione quacunque debita de eisdem. Tenend. de rege, &c. Faciendo, &c. servitia debita et consueta. Datum apud Edinburgh, 18 die Aprilis, 1426.

From this it indeed appears that in 1426, the heir of Cadyou acquired Dalserf which had escheated to the crown by an illegal act of the head of the family, in conveying it, as superior, without proper authority. This charter, so far from shewing that Dalserf, early in the fifteenth century, was

the manerium of the Cadyou family in their barony of Machane, shews that the head of the family had then granted sasine of it to his brother ; and although in 1426 it was bestowed on the heir of the family, it was entirely separated from the fief of Machane ; nor was it retained in the family, as the manerium would naturally have been, for we find that in 1461 it belonged to a John Hamilton of Dalserf, (Memoir 268). In 1381 Dalserf was the manerium of a David Hamilton and his wife, Janet de Keth ; and in 1406, this lady, in her second widowhood, continued to reside there ; the illegal grant of it, therefore, by James Hammiltoun of Cadiou, to his brother David, must have been in the interval between 1406 and 1426 ; but the charter of this last date does not throw the smallest light on the manner in which James Hammiltoun of Cadiou, or his brother David, acquired possession from Janet de Keth. To say that David Hamilton, of Cadiou, her husband, was Sir David of Cadyou, as is asserted in the memoirs, is ~~merely to beg the question, and is not supported by any sufficient proof~~ ; for the charter conveying Machane to Walter Fitz-gilbert, by Robert I, conveys merely the superiority of that barony, and is no proof that the dominium utile of Dalserf was then conveyed to the Cadyou family, or that it was the manerium of this Walter.

V. The careless manner in which the Memoirs of the House of Hamilton advances groundless assertions, requires to be further noticed, as it renders us doubtful of every thing that the work asserts. The erroneous way in which the chartulary of Lennox has been quoted, is a sufficient proof of this,—but some farther instances may be mentioned as connected with our subject.

In page 452, (line 22,) we have as follows : “ in regard to the original grant of the barony of Machan (or Dalserf,) Wishaw states.” From this it might be inferred, that Dalserf was another name for Machane, and is mentioned in the charter by Robert I. but there is no such thing contained in that deed ; and although Dalserf was in the barony of Machane, there is no instance of the words being used as synonymous. Mugdock is in Lennox, and in the fifteenth century was the residence or manerium of a noble family,—but who ever from thence inferred that Mugdock and Lennox were synonymous, or that the Earls of Lennox resided in this castle. In the passage above alluded to, Dalserf is introduced in a parenthesis, by a sort of *ruse* not very allowable in controversy.

Again, in Supplement, page 459, line 28, we have as follows: " all admit that the wife of David of Cadyow was Janet Keith ; no old genealogist has ever maintained that the first of Bardowie was married to a lady of that name, far less ever possessed Dalserf." Now, it is quite clear from the charter of 1381, that the superior of Buthernok was married to Janet de Keth, and resided at Dalserf ; but Dr Hamilton no where asserts that her husband was the first Hamilton of Buthernok or Bardowie ; and he readily admits, that Mr Riddell's hypothesis would receive the strongest support, could it be proved that the name of Janet lady Cadyou, in 1378, was Keith ; but of this no proof at all satisfactory has been advanced ; and the theory of Janet de Keth of Galston being the wife of Sir David Hamilton of Cadyou, so far from being adopted by all old genealogists, was first advanced in the memoirs published in 1825.

Dr Hamilton does not consider himself as reduced to any dilemma, as mentioned by the Author of the Supplement, (p. 459.) He has never asserted that the Hamiltons of Bathgate, Galston, &c. were descended of the family of Cadyou ; and if they are shewn to be descended of David Hamilton of Buthernok, and not of David Hamilton of Cadyou, it is not Dr Hamilton, but Mr Anderson, that is in a dilemma. In fact, Mr Anderson has not succeeded in bringing direct proof that Sir John Hamilton of Cadyou was son of Sir David ; but Dr Hamilton is quite satisfied, as is every one else, that the presumptive proof is alone quite sufficient to establish the circumstance. In Dr Hamilton's opinion also, Mr Anderson has failed to shew, that the Hamilton's of Buthernok, or Bardowie, are descended of the Cadyou family ; but he does not pretend to trace them, except by conjecture, farther than David, who held these lands of the Earls of Lennox in 1381. That he held them in virtue of his wife, Janet de Keth, is a mere conjecture, founded on the erroneous supposition of her being the heir female of the Galbraiths ; but the property of the Galbraiths in Buthernok at that time, 1381, continued in the male line of the family, of whom William, the proprietor, and James, his son and heir, were then alive. This conjecture being therefore no longer tenable, Dr Hamilton proposed, but as a mere conjecture, the probability of the Hamiltons of Buthernok being the male heirs of William, the son of Arthur, the son of Galbrat, who obtained a charter of these lands in 1238 ; nor has any thing yet been advanced to shew that this conjecture is improbable. In 1238, according to the chartulary of Lennox, Buthernok was granted

to William and his heirs; and the next charter of these lands, shortly previous to 1394, is to John Hamilton, who appears as having been previously possessed of them. But these we know, in 1381, belonged to his father David. The latter, therefore, there is a legal presumption, was heir of William; nor is there any thing to shew that he succeeded through a female; but that he may have done so Dr Hamilton does not deny, the want of evidence on either side being complete. That Dalserf belonged entirely to Janet de Keth, and that David de Hamilton resided there merely as her husband, Dr Hamilton has no doubt, there being no proof that it ever belonged to the Hamiltons of Buthernok or Bardowie.

VI. Mr Riddell has taken the trouble of correcting some errors into which he thinks Dr Hamilton has fallen, on a subject which he looks upon as irrelevant, (Supplement page 459, line 1). Dr Hamilton is far from thinking the subject irrelevant. His argument is, that if Sir David Hamilton had possessed a residence (manerium) of his own at Dalserf, he would not have taken his title from a royal castle, which Cadyou was; although Sir David, like his father and grandfather, held it as hereditary keeper, paying a yearly rent for the annexed barony. Thus the hereditary keepers of the royal castle of Doune, did not take their title from thence, because they had besides their own castle of Duntreath; and if the family of Hamilton had possessed a residence in their barony of Machane, they would not have taken their title from Cadyou, a barony which they held by an inferior tenure, (feodi firmo). This argument Dr Hamilton still thinks has considerable weight.

## A D D I T I O N.

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THE Chiefs of the Clan Galbraith, mentioned by Mr Anderson, (page 209,) in his usual careless manner, seem to have been as follows:—

1. Gillaspik Galbraith is witness to a charter (chartulary of Lennax, No. 20 and 85.) by Maldoueny, Earl of Lennax, granting the lands of Colquhoun to Humphry de Kirkpatrick. Along with him appears as a witness dominus Walterus, Senescallus domini Regis, who was killed in 1246.

2. Mauricius filius Gillaspik Galbrait, obtained, along with Arthur his son, the lands of Auchincloyt from Maldoney, Earl of Lennax, (chart. No. 58.) the witnesses were Mauricius de Luss, Mauricius Capellanus, Henricus Macmorane, Gillepatrik Macmalbryde, Gilbertus filius Absolonis, Kesan Macennan, Sumlech Lyon, Malmoir Makdinkach, &c.

3. Arthur, mentioned along with his father in the preceding charter, obtained from Malcolm, Earl of Lennax, a release from various suits due from the lands of Bancherane, Kengorloch, Fynnard, Buccromonyn, Kilgrintyn and Auchincloich : witness dominus Patricius de Graeme, Robertus de Colquhoun, et Duncanus filius Auleth Milites ; Thomas de Cromenane, Michael Mackessane, Walterus Spreul, &c. (chart. No. 65.)

The same Earl Malcolm granted Arthuro filio Mauricii Galbrait and his heirs, various great judicial authorities in all his lands, before these witnesses, Duncanus filius Ameleth miles, Walterus Spreul, tutor temporis, senescallus noster, Duncanus filius Patricii Macedolf, Johannes de Aral, clericus, Willelmus de Cuningham, &c. (No. 64.)

## ADDITION.

The same Earl granted Arthuro Galbrat, part of the lands of Buchmen, and part of Gilgismane, before these witnesses, dominus Patricius de Grahame, dominus Duncanus filius Ameleth, Robertus de Colquhoune, milites ; Thomas de Cromenane, Malcolmus de Drummond, Michael Mackessane, Walterus Spreul, &c. (No. 60.)

4. Arthurus de Galbraith, witness to a charter by Donald Earl of Lennax, to Nigellus Macblare, of the half quarter of Fynuyke, next to Cather, along with nobilis vir dominus Malcolmus Flemyngh comes de Wigtoun, Walterus de Faslane, Murdochus frater comitis de Lennax, Finlaus filius Roberti, Kessanus clericus, &c. (No. 45.)

Arthur de Galbraith was also witness to a charter by Malcolm Flemyngh comes de Wigtoun, granting to Andrew Cunynghame the lands of Kilsfassane and Baldalac, along with dominus Johannes de Danielstoune and Robertus Wallayis milites ; dominus Walterus Rector de Biggar, Robertus Clericus, &c. (No. 49.)

It is highly improbable that this Arthur de Galbraith should be the same with the person so named, who, along with his father, obtained a grant of Auchnacloyt from Earl Maldoueny. We may, therefore, consider it probable, that there were two lairds of Galbraith named Arthur, the first who was born in the time of Earl Maldoueny, and flourished chiefly in the time of Earl Malcolm I. and another who flourished in the time of Earl Malcolm II. but lived until the time of Earl Donald. Without a very tedious examination of circumstances, it would be difficult to determine, which of the Arthurs was the witness in the following charters. Therefore there are here mentioned all those in the chartulary of Lennax, in which either appears, leaving it for future investigation to ascertain to which of these Arthurs each charter refers. Whether or not both had the dignity of Miles is uncertain.

Malcolmus comes de Lennax, gave and confirmed in feu-farm to Kessano Iuneni filio Kessani Iunenis, a quarter of Fynnoych, called Blarvotych, his testibus domino Duncano filio Aulech, domino Willielmo Oliphardo militibus, *Arthuro Galbraith*, Malcolmo de Drummonde, Malcolmo M'Edolf, Eugenio de Carmekyll, Colino filio Adæ Iunenis, &c. (No. 44.)

Malcomus comes de Lennox granted to Domino Patricio de Grame, the quarters of the carucate of Auchincloich, and the quarters of the carucate of Strablane : his testibus domº Roberto de Colquhoune, domº Duncano filio Auleth, Thoma de Cromenane, *Arthuro de Galbraith*, Malcolmo de Drummonde, Michaele Makessane et aliis. (No. 54.)

Malcolmus comes de Lennox, granted Domino Patricio de Grame many great judicial authorities, his testibus domino Duncano filio Auleth, dom<sup>o</sup> Roberto Colquhoune militibus, *Arthuro Galbraith*, Thoma de Cromenane, Malcolmo de Drummonde et multis aliis. (No. 56).

Malcolmus comes de Lennax, granted Johanni filio Michaelis filii Edolf et Forvelech sponsæ suæ, a quarter of land called Cambroune Tympane, his testibus dominò Duncano Mülef (Macauleth) dm<sup>o</sup> Henrico de Veteriponte *Arthuro Galbrat*, Donaldo filio Anecol senescallo meo, Willielmo Olifard, Alano Burell, Jacobo de Cororchef, Roberto capellano meo et aliis. (No. 62).

Malcolmus comes de Lennax, granted certain privileges Michaeli Makesane for the lands of Garchel de Buchlat, his testibus dom<sup>o</sup> Patricio de Grahame, dom<sup>o</sup> Duncano filio Aulech, *Arthuro de Galbraith*, Thoma de Cromenane, Malcolmo filio de Drummonde, Duncano filio Gilchrist, Mauricio de Buchanane et multis aliis. (No. 73).

Thomas de Cromenan granted Murechak filio Kork, the quarter of land called Croine, lying between Fynuick on one side, and Kynehern on the other, his testibus Malcolmo comes de Lennax, Patricio de Grahame, Duncano M'amelech, *Arthuro Galbraith*, Johanne de Lucæ cum multis aliis. (No. 116).

The above grant was confirmed by Malcolm, Earl of Lennax, in a charter, where the party is called Murdoch Makchok, his testibus Patricio de Grame, Duncano filio Aulech, Willielmo Flyfarde et Johanne de Luss militibus, Malcolmi de Drummonde, *Arthuro Galbreth*, Waltero Spreul, junior, senescallo nostro et multis aliis. (No. 9).

Malcolmus comes de Lennax granted Joanni de Luss, certain privileges in the lands of Luss, his testibus dominis Duncano filio Aulay, *Arthuro de Galbraith*, Thoma de Drummond, Umfrido de Colquhoune Duncano M'Edolf militibus, Waltero Spreull, Malcolmo Macabsolan, Eugenio filio Kessani, Joanne Naper et aliis, which charter was confirmed by Robert, King of Scots, 6th May, anno regni nostri decimo, [1316] (No. 25).

Malcolmus comes de Lennax granted Susane et Margarete de Drummond, filiabus Johannis de Drummond, totam terram de Ardereane et Ardenalochrech, et Blarechecoranis, et Blaremulene, his testibus *Arthuro de Galbraith*, Johanne de Luss, Duncano Eldusse (Macedolff) militibus, Mauricio de Buchanan, Eugenio de Garschells, Donaldo de Galbraith, Johanne de Areach et multis aliis. (No. 90).

## ADDITION.

5. Willielmus de Galbraith is witness to a charter by Donaldus comes de Lennax, granting Andree de Conynghame the lands of Escham, along with Waltero de Faslane, Murdaco fratre comitis de Lennax, Yvaro Campbell, Malcolmo filio Duncani et aliis. (No. 46).

This William resigned, in 1381, his lands in Buchernok and Kyncaith, in favour of his son James, which was confirmed by his immediate superior, David de Hamyltoun, and Janet de Keth, sponsa sua. (Chart. penes. Dr Hamilton.) In this charter William is designed de Kattonvall.

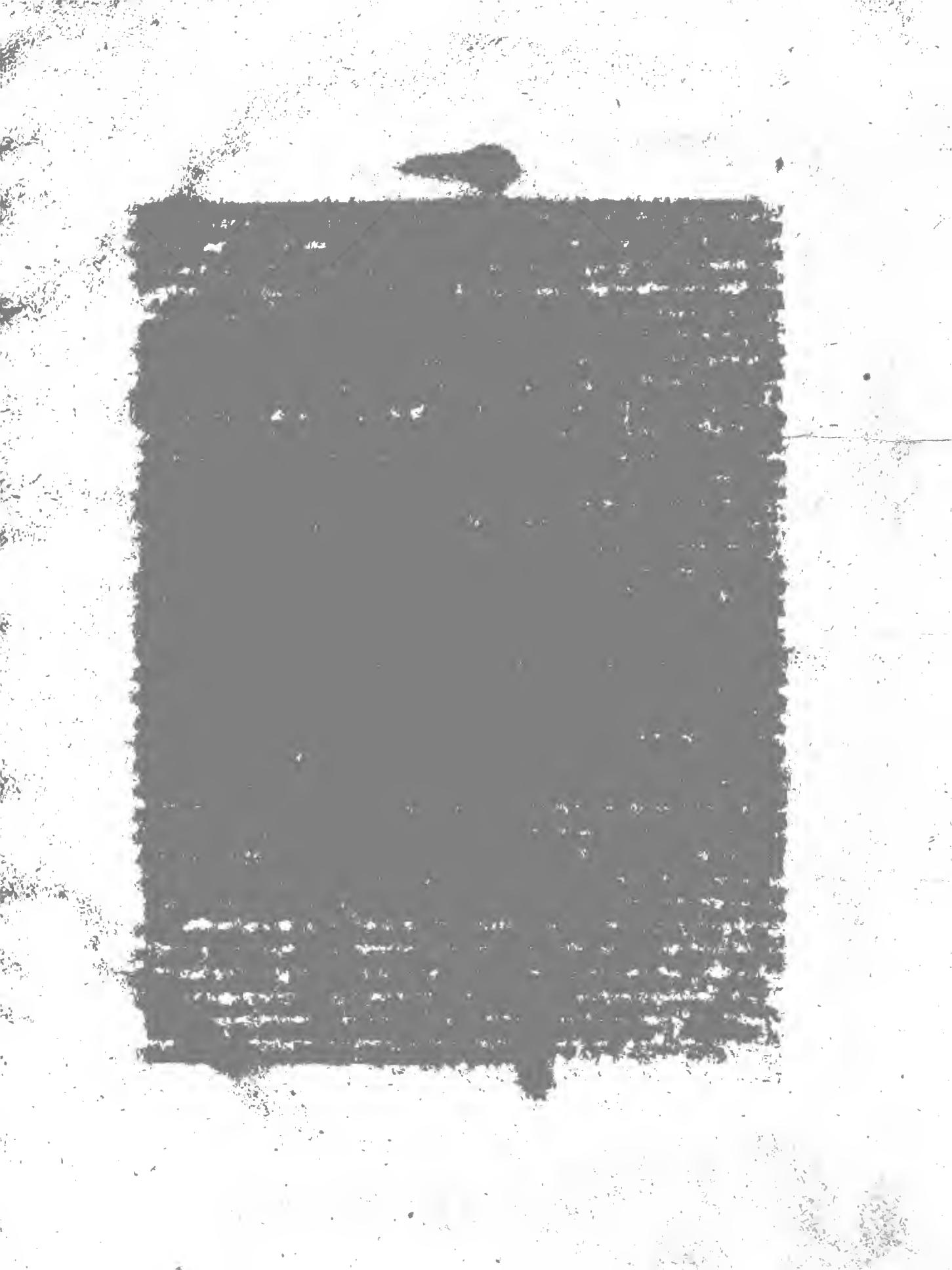
6. Gilbertus de Galbraith, along with dominus Johannes de Maxwell, miles de Pollock, Umfridus de Colquhoune dominus ejusdem, dominus Willielmus filius Adae rector de Luss, Alexander de Lennax, Gilbertus Cochrane et alii, witnessed a charter of the lands of Buchmonyn, granted by Duncanus comes de Lennax, 28<sup>o</sup> die mensis Octobris, A. D. 1393. (No. 67).

~~Gilbertus de Galbraith, along with Duncanus Campbell, dominus de — Aulanus de Lennax, Walterus de Lennax fratres Comitis, Arthurus de Ardincaple et alii, witnessed a charter from Duncanus comes de Lennax to Murdachus filius Malcolmi, dudum domini de Lecky.~~

In 1395 Gilbertus de Galbraith, along with Umfridus de Colquhoune, dominus de Luss, Walterus de Buchquhanan dominus ejusdem, Duncanus Campbell dominus de Gaunane, dominus Robertus Lang, dominus Nigellus de Banory capellani, Malcolmus Makahoyne et alii witnessed a charter of Duncanus comes de Lennax, granting Duncano filio Malcolmi Macfarlane, certain lands and islands.

This Gilbert seems to have died without male issue, and his estates went by marriage to the Lairds of Buchanan, who retained part, especially the half of Easter Buchernok, next the Kelvin, mentioned in the charter 1381, which was sold to the Duke of Montrose, when the direct line of the Buchanans failed; but a part was given by the Laird of Buchanan to his second son by this marriage, whose descendant, Buchanan of Carbeth, retains it to this day.

THE END.





# REPLY

TO THE MISSTATEMENTS

OF

DR. HAMILTON OF BARDOWIE,

IN HIS LATE

“MEMOIRS OF THE HOUSE OF HAMILTON, CORRECTED.”

RESPECTING THE DESCENT OF HIS FAMILY;

WITH AN APPENDIX OF ORIGINAL MATTER,

PARTLY AFFECTING

THE HAMILTONS, AND STEWARTS,

AND REPRESENTATION

OF THE OLD EARLS OF LENNOX, &c.

(by John Crichton)

EDINBURGH:

JOHN STEVENSON, 87, PRINCE'S STREET.

MDCCCXXVIII.



[Riddell, John]

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## ERRATA.

Page 6. line 27. *for purity, read its purity.*  
 8. — 34. *for fourth, read first.*  
 13. — 3. *for Amilton, read de Hamilton.*  
 14. — *Note, for his imaginary, read the imaginary.*

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It need hardly be observed, that the remarks upon “*dominus*,” (p. 15.) only contemplate its meaning anciently, and at the period, and not in modern times.

وَلَمْ يَرْجِعْ إِلَيْهِ أَنْ يَرْجِعْ إِلَيْهِ

17 of 2000. 5  
17 of 2000. 5

1. *On the 18th of July in the year of our Lord 1851*  
2. *At the age of 21 years and 9 months*

10. *Leucostoma* *leucostoma* (L.) C. B. Clad. No. 2017. II  
Syn. *Leucostoma* *leucostoma* (L.) C. B. Clad. No. 2017. II  
Commonly known as *Leucostoma* *leucostoma* (L.) C. B. Clad. No. 2017. II  
11. *Leucostoma* *leucostoma* (L.) C. B. Clad. No. 2017. II  
Commonly known as *Leucostoma* *leucostoma* (L.) C. B. Clad. No. 2017. II

THE LITERATURE

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1. *W. C. G. (W. C. G. )* 2. *W. C. G. (W. C. G. )*  
3. *W. C. G. (W. C. G. )* 4. *W. C. G. (W. C. G. )*  
5. *W. C. G. (W. C. G. )* 6. *W. C. G. (W. C. G. )*  
7. *W. C. G. (W. C. G. )* 8. *W. C. G. (W. C. G. )*

Figure 1. The relationship between the number of species and the number of individuals in the community.

the individual to consider plant-based  
foods as a key part of a healthy diet.

## R E P L Y, &c.

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THE following Answer to the Remarks of Dr Hamilton, in his recent publication, so singularly styled, "Memoirs of the House of Hamilton corrected," on the author's incidental theory of the Bardowie origin, is certainly not occasioned by their relevancy or importance. It is solely owing to their numerous errors and misrepresentations, and chiefly to cavils of a peculiar character, by which his accuracy in a previous statement is attempted to be impugned.

He might be deemed uncourteous, and perhaps amenable for recreancy, if he were also deaf to the appeal of Dr Hamilton, who peremptorily calls upon him to explain his assertions. These, it is conceived, can be the sole motives for recurring to a question, intrinsically little interesting, or demanding such unwonted publicity. It grew out of rather a curious topic—the male representation of the House of Stewart, upon which it would be needless to enlarge, or, rather, some subordinate facts affecting it—though certainly in no ways derogatory to the real interests or importance of the Family of Bardowie.

The discussion centres in the parentage and descent of John Hamilton, presumed ancestor of Bardowie, who lived towards the end of the fourteenth century. Dr Hamilton maintains, that he was son and heir of David Hamilton and Janet Keith, admitted to have lived in the year 1381,—and apparently wholly a Hamilton,—but he at the same time thinks he may be heir-male of William, the son of Arthur, the son of Galbraith, alive in 1238, and assuredly ancestor of the family of Galbraith.

In these circumstances, it is rather difficult to deal with the learned Doctor. John thus appears under more than one aspect; and, "Quo tecum vultus mutantem Protea nodo?" If he be disproved a Hamilton, he may start up a Galbraith, like the new head of the Hydra, ready again to thwart us, and disappoint a previous success. Yet, nevertheless, by

aiming at too much, his champion may overshoot the mark, and share the fate of the fowler, in his unsuccessful aim between the two birds in the apologue. It may be also urged as to John, “since he is either, he is neither;”—and animated by these reflexions, we will proceed to examine his positions.

The Bardowie descent, on Dr Hamilton’s notion, as Hamiltons exclusively, with the argument of the author, shall precede the detail of most of his cavils and misstatements, as well as the Galbraith origin; which, to say the truth, will be quickly despatched,—and this with all the brevity consistent with the discussion.

I. FIRST THEORY OF DR HAMILTON—*viewing the family of Bardowie abstractly as Hamiltons—That John Hamilton, their ancestor, was of Dalserf, and son and heir of David Hamilton of Dalserf and Buthernok, and Janet Keith, his spouse, mentioned in a deed in 1381.*

A confirmation was granted in 1381, by David Hamilton, and Janet Keith his spouse, of the conveyance by a vassal, of a small property in their fief of Buthernok, which is dated “*apud Manerium nostrum de Dalserf,*” and witnessed by John, their son and heir. As the Doctor proceeds upon the assumption that this John was the same as John first of Bardowie, his ancestor, his favourite object, upon the hypothesis, is doubtless attained; and that ancestor, accordingly, could be no other, as he affirms, than the heir of the previous persons.

But the author contends, on the other hand, that the parties who are named, were exclusively the leading members of the House of Cadzow, or Hamilton. This, he conceives, is alone evident from the date of the deed, “*at our Manor of Dalserf,*” (probably taken by the spouses, in conjunct fee and liferent),—as he will now attempt minutely to explain.

Dalserf and Machan—adjacent to Cadzow—were peculiar to the same site on the relative west bank of the Clyde, and alternately employed to describe it. The site, as is well known, was limited; and Machan, like Dalserf proper, was said simply to lie “*in valle de Clude.*”\* Machan, as appears from Wishaw, was at last comprised in the title of Dalserf, as the Chapelry of Machan, anciently, according to Chalmers, in the parish of

\* Reg. Rob. I. Rot. I. 72.—“*Dalserfe was anciently called the Barony of Machinshyre, lies amongst the river of Clyde,*” &c.—Hist. of Lanarkshire, MS. Ad. Lib. Wishaw was born near-

*Estate* Dalserf, owing to the erection of a church at Dalserf,\* which clearly shows it was originally an integral portion of Machan. Under the designation of ~~a Maner~~, Dalserf is also instructed to have been held, as part of the fief of Machan, by James Hamilton of Cadzow, who figures in 1397; † and as Machan had been heritably granted by Robert Bruce to the House of Cadzow, ‡ who continued the owners § at least during the remainder of his century, the legal presumption, in the absence of all adverse evidence, must be, that Dalserf, in 1381, also belonged to them. This indeed is evident, from their intimate connection, and locality,—independently of Dalserf, in 1381, being the manerium || of a Hamilton (then a rare name), who could not, it will be seen, be of Bardowie,—nor is yet disproved of Cadzow, ¶—and the only manerium, or place of residence anciently, that can be detected in that quarter. For, as by

ly two centuries ago. The learned Doctor, or his adviser, are not, however, to suppose from the mention of shire, that Machan was, therefore, a county, or sheriffdom. Chalmers well observes, (Cal. III. 385), referring to the chartulary of Dunfermling, that the term was applied to small divisions of land; thus, there was the shire of Kirkaldy in Fife, and of Herbertshire, in the west country, &c. The cantion, it will be seen, is by no means superfluous, owing to the very peculiar notions entertained by him on ancient phraseology.

\* Caledonia, as before.

† Royal Charter, 18th April 1426, (Reg. Mag. Sig. Lib. II. No. 50), where Dalserf is dated to “lie in Baronia de Machan,” and to have been alienated, without the consent of the Crown, by James Hamilton of Cadzow. James will also be immediately proved to have had Machan. Sir John of Cadzow, in 1397, resigned Kinniel in his favour, by a charter still extant in the Hamilton Charter Chest; and James had succeeded his father, and was of Cadzow in 1404. Vide Reg. Mag. Sig. Lib. IV. No. 163.

‡ Reg. Rob. I. Rot. I. 72.

§ In particular, Sir John Hamilton of Cadzow, in the reign of Robert III., grants an annual-rent out of Machan. Robertson's Index, 138. And, in the same reign, his son James of Cadzow, obtains a royal confirmation of the Baronies of Cadzoue, Machan, and Kinniel, comprising the family estate, ib. 139.

|| Manerium with us, in later times, comprised, besides the principal messuage, the *terrae dominicales*, which were not inconsiderable, and allotted to the support of the Baron and his retainers. But in England it expressed a large estate, and even equivalent to a Barony in Scotland. Vide Spelman, *sub hac voce*. The term was frequent in Scottish deeds, in the fourteenth century. The Stewart then talks of his Manerium of Renfrew,—and we have the Manerium of Galston, &c. Owing to the ancient resemblance between the feudal practice of England and Scotland, Manerium may at the period in question, in the latter country, have been used in a more extended sense.

¶ His being of Cadzow, has never yet been questioned, except by Dr Hamilton; nor, before him, was there a surmise of Dalserfe, at the time, belonging to any other.

cotemporary usage, every fief, such as Machan, had a manerium, and one only, \* Dalserf must be held, in these circumstances, to have been so of Machan, and consequently pertaining to the House of Cadzow,—which further accounts for its becoming the predominant appellation.

Coupling these facts with the equally indubitable one of the heads of the family of Cadzow, in 1381, being actually David Hamilton, Janet, or Janet Keith, who is uniformly so styled, and their eldest son John,—of whom David and John must thus have been heirs to Dalserf,—and whose names precisely correspond with those of the persons in the charter 1381, possessors of Dalserf,—it is humbly submitted, that their mutual identity, and necessarily, the author's proposition, is substantiated. It is proved by the identity of the names, and it is proved by the fact of possession; and, in this situation, the *gratuitous* assertion of the learned Doctor, that Dalserf, in 1381, may not have belonged to the former, is no more to be weighed than any visionary conjecture, devoid of all proof or foundation. But the matter does not rest here,—we may further appeal to other collateral facts. Janet Keith of Bathgate, or rather portioner of Bathgate, at least a cotemporary of the previous Janet, is proved, as Lady of Galston (being instructed to be the same), to have resided at *Dalserf*, since she appends her seal to a grant of lands she executed *there*, † and such deeds were then adjusted at the residence of the proprietor, as Dalserf, in her case, was most likely to be, from her advanced age. Hence, Janet Keith, portioner of Bathgate, could be no other than Janet Keith of Dalserf and Buthernok, mentioned in the confirmation 1381; and further still, as Janet, the admitted wife of David of Cadzow, was also portioner of Bathgate, ‡ they necessarily were one individual, and she and her husband the very same who are described in that deed.

The material point is, therefore, additionally instructed, as well as the asserted possession of Dalserf; but we have not yet done with Janet Keith, the heiress of Galston, and Bathgate.

Sir Lewis Stewart, advocate, in the reign of Charles the First, informs us, in his Collections, (however Dr Hamilton may conjecture to the contrary) that this noted Lady, whom he expressly represents as the wife of Hamilton of Cadzow, was, through her mother, the nearest heir of “the Lord

\* Spelman also defines Manerium, “Baronis sedes—splendidam aliquam praediorum continens portionem, infra quam Baro iste seu manerii dominus—jura reddit praedialia,” &c.

† Reg. Rob. Duc. Alban. Rot. XI. 38,—ib. ib. 17.—The grant is dated 11th December 1406.

‡ Proved by an original deed in the Hamilton Charter-Chest, dated 4th October 1378.

(Baron) Galbraith," proprietor, *inter alia*, as he further adds, of the large estate of Galston; she only deriving, according to him, her part of Bathgate from her father, Sir William Keith, a younger son of the Marshall family. The descendants of her mother would necessarily represent the principal line of Galbraith, whose oldest inheritance was Buthernok, \*

\* The ancestor of the family of Galbraith, appears to have been "Gallepradhe." He is also, at the same time, styled Gilespic Galbret, or Galbrat. Under the former designation he figures immediately after the High Stewart, and before the brothers of the Earl, as witness in a grant by Earl Maldwin of Lennox, of the Church of Campsy, to the House of Kelso,—of which the Doctor is unaware. As "Gilespic Galbret," he witnesses, a charter by the Earl, to "Malcom the son of Duncan, and Eva his sister," of parts of Kilsyth, on condition, "that a douell adjudged in his Court should be had in the Earles; and a thief condemned in his Court, should be hanged in the Earles gallace." This notice is taken from an old Inventory in the Kilsyth charter-chest; but, according to the reasoning of Dr Hamilton, these authorities are worth nothing, because not to be detected in the Lennox Chartulary. "Gallepradhe," "Galbrat,"

Chartul. of Kelso,  
89 b.

Mem. of House of  
Ham. corrected, p. 5.  
Hist. and crit. re-  
marks on Ragman  
roll, ap. Nisb. II. 36.  
new edit.  
Chartul. of Lennox,  
38. Ad. Lib.

or Galbraith, (which is said to be a *nom de guerre* like *Cœur de Lion*, and to mean "the brave stranger,") had two sons, Arthur, and Maurice. Arthur was the father of William; and the previous Earl grants the two *Buthernoks* to him in 1238, under the description of "William filio Arthur filii Galbrait," to be held of the Earl and his heirs.

Ib. ib.  
Ib. 50.  
Ib. 51.

36.

These persons, as well known, are the undoubted ancestors of the name of Galbraith, partly even admitted to be so by Dr H.; though he evidently is not versant in the subject.

The *soubriquet* Galbraith, like Plantagenet, was converted into a surname, though not entirely fixed, in the subsequent time of Earl Malcolm of Lennox, for we then meet with "Patricio dicto Galbraithe." Galbraith here appearing, like all patronymics with us, upon the point of becoming a surname. Previously, as we have seen, the family were patronymically designed, remounting always to their great ancestor. The Doctor most logically contends, that as the grant quoted by the Author of Remarks on Ragman's Roll, is not in the Chartulary of Lennox, it therefore is ideal. Nothing can be fancied more absurd;—in the same way he might argue against the validity of a Dumbartonshire infestment, that it was not in the Montrose charter-chest,—it being notorious that the chartulary of Lennox only contains a small portion of Lennox titles. The remark too, would strike at some of the previous evidence. This ridiculous hypothesis also gives rise to a petulant attack against the Author, who is charged with not having consulted the Lennox chartulary, because he referred to the remarks upon Ragman! He had fully examined the former, but in order to avail himself of every information, he naturally, in the certain absence of better, betook himself to them. This is a specimen of the peculiar, and flip-

Ib. 52.

Mem. of House of  
Ham. correct. 5.

Ib. ib.

and which, from the charter 1381, actually devolved upon them in the person of Janet; and by the same tenure, as will be seen, as held by the Galbraiths, namely, as vassals of the Earl of Lennox.

The Galbraiths being likewise a distinguished race, the memory of such an alliance would not soon be forgot;—and having made these remarks, we will next allude to a curious and original seal of arms of the head of the House of Cadzow, previous to 1457, which was then appended to a deed subscribed by him. It is apparently that of James, first Lord Hamilton, who was at least alive in 1451, though used, as often happened, by James his son, the second Lord. Over and above the simple arms of the family, the seal exhibits two antelopes as supporters, which singly uphold a banner, charged, according to ancient heraldic usage, with the armorial insignia of their remarkable alliances, and female representations,—the custom of quartering them, as afterwards, in one coat, not being then fully established.

The banner on the right, indicative of the nearest descent, displays the arms of Douglas of Dalkeith, (the two stars in chief), the mother of the first Lord, and spouse of his father, Sir John of Cadzow and Buthernok, being, uniformly represented, of that high and valorous house. The banner on the left again, would necessarily denote the representation, through Janet Keith, Sir John's mother,—from what is premised, as heiress of Galbraith, and the more likely, as her lineage as a Keith, and hence only the cadet of a name would be less attractive and important. And, accordingly, it actually happens, that that banner contains the three bears' heads, the identical arms of Galbraith. They are disposed in the same manner, two in the upper, and one in the lower part of the compartment. At a period, when heraldry was in purity, this is a material argument, and with what has been mentioned, goes to establish, that the wife of David of Cadzow, mother of Sir John, was Janet Keith of Galston, Bathgate, and Buthernok,—the latter, the more immediate patrimony of the Galbraiths,—thus identifying Janet in all her relations, and more especially with Janet of Dalserf, in the deed 1381.

pant style of cavilling employed against him, of which he may be pardoned for questioning, whether Dr Hamilton has the *merit*. He has only to add, that there is no clear proof of Arthur Galbraith, not being the person he formerly mentioned, as, independently of the other notices, he does not precisely appear to be dead in 1238; but this is clearly immaterial to the question.

Original, Hamilton  
Charter-Chest.

Reg. Mag. Sig. Lib.  
IV. No. 163.

Nisbet, I. 323.

The preference of the Galbraith, over the Keith arms, was most technical, and correct,—the large estates of Sorne, Burntwood, and Galston, &c. besides Buthernok, all coming through Janet's mother, who represented the chief of a great and opulent name, while her father was but a simple cadet, and proprietor only of the comparatively small estate of Bathgate. On the same principle, the noble family of Argyle quartered merely the arms of Lorn, though accruing in right of a branch of the Stewarts, who married the heiress of Lorn. And much the same way, the Haldanes of Gleneagles gave the preference to the arms of Lennox, derived through a branch of the Menteiths, who married a daughter of an Earl of Lennox, whose issue eventually became the Earl's coheirs. ‡

Vide Append. No. I.

The identity of Janet Keith, therefore, and necessarily of her husband David (of Cadzow), with the parties of the same names in the confirmation 1381, may now be held as fully and satisfactorily established; and upon the whole, even supposing one or two of the coincidences were rather defective, still the argument, from their general reciprocity, most striking in *re tam antiqua*, would be decisive. But further, by what will yet transpire, it will receive a great deal of support, and a consistency throughout, baffling every adverse speculation.

The David and Janet in the deed 1381, being hence of Cadzow, their son John, mentioned along with them, can in no view be John, immediate ancestor of Bardowie, and first (of his line) of Buthernok. This must be

‡ In conformity to the same practice, David de Strabolgy, Earl of Athol, added a garb, the well known heraldic ensign of Cumin, on each side of his shield, containing the simple arms of Strabolgy,—evidently derived from his mother Catherine Beaumont, and Joane Cumin, his paternal grandmother,—the mother of Catherine being the heiress of the Cumins, Earls of Buchan, and Joane herself, the heiress of the Cumins of Badenoch, chief of the name. This is proved by David's charter, dated at London, in the thirty-fourth year of Edward III., a copy of which is in the British Museum, (*Har. 245*), and to which his seal, unfolding these facts, is appended. He there grants “Le manoir de Felton a nostre chere uncle Monsieur Eymer d'Athells.” The circumstance is mentioned, because Eymer is overlooked by genealogists. Eymer bore that name from his mother's relative, the famous Aymer de Valence, Earl of Pembroke, of whom she was coheir;—so well connected were the heirs of the Cumins, even independently of Scotland. There is every reason to believe the Cumins were descended from the sister of Baliol, over and above their plausible claim, as heirs of a previous dynasty,—and though their star paled before that of Bruce, whose right by birth was far inferior, they certainly were the most illustrious of our Scottish families; and their blood, at this day, circulates through all that is noble in the sister kingdom, including even the numerous and royal descendants of Henry the Fourth.

admitted on all hands, upon the premises ; and indeed Dr Hamilton disclaims, for the latter, all kindred or connexion with the rival house of Cadzow. He may found, however, upon that document being lodged in the Bardowie charter-chest, as well as his family inheriting Buthernok from that John of Bardowie ; but this is easily explained, and, moreover, in a manner of itself fatal to his argument.

p. 39.

The John in the charter 1381, would necessarily succeed his parents in Buthernok ; and hence, the earliest John Hamilton appearing as their successor, must be presumed to be him, and necessarily their heir. Dr Hamilton admits, that their son and heir was *John* Hamilton of Buthernok, though he contends, at the same time, that he was no other than the above John of Bardowie. But it happens unfortunately for this notion, that it is instructed by a deed in the Chartulary of Lennox, before 1394, † that *Sir John* Hamilton was the next possessor of Buthernok, after David and Janet ; and what is still more important, actually resigned these very lands in favour of that John, who thereupon, and only for the first time, was confirmed in them by the superior, the Earl of Lennox, —thus also establishing the fact stated of the heirs to Buthernok, like the Galbraiths of old, still holding of the House of Lennox. It thence is clear, that this Sir John was truly the lawful heir of David and Janet, and the identical John, in the charter 1381, to the complete exclusion of John of Bardowie, ancestor of the Doctor, who thus merely obtained Buthernok from Sir John by a singular title, and not by right of blood.

The title-deeds including the charter 1381, would necessarily follow ; but here again, as Sir John of Buthernok was a knight, which honour was also enjoyed by the cotemporary, Sir John of Cadzow, son and heir of David and Janet of Cadzow, their identity, and necessarily that of their parents, is further indicated ; and hence the previous circumstantial evidence, receives even additional corroboration.

Dr Hamilton thus, *unconsciously*, all along, has been attempting to make himself the chief of the noble House of Hamilton, by appropriating to himself their ancestry,—but with what success, the public may be now able to decide.

The coincidence in the christian name and surname of John, fourth of

† The cavil of Dr Hamilton, as to this deed, will be afterwards fully noticed.

Bardowie, with the subsequent possession of Buthernok, and charter 1381, are evidently all the learned Doctor can find upon ; but these circumstances being obviated, what, it may now be asked, can he possibly urge in behalf of his singular theory?—not one tittle of evidence—not the shadow of any—nothing but flimsy and unsupported cavils chiefly levelled at his opponent, but of no avail to him,—and of which the following may be the most formidable.

In the view of separating Janet Keith, of Cadzow, from Janet Keith, of Galston, or Bathgate—in order, indispensably for his purpose, to have a Janet Keith for his ancestrix, he apparently contends, for he is far from being explicit, that they may have been distinct, as the former is not proved to have possessed like the latter, the superiority of Bathgate, but only lands in that Barony ; and he here, seemingly, would draw a difference between their tenure, which is not only fanciful, but besides, disproved. The fact is, the right to the lands each is instructed, by two charters, <sup>†</sup> to have inherited there, was as heirs-portioners, and these, in both cases, are indifferently represented as lying in the *dominium*, or *baronia* of Bathgate. He indeed further cavils at Janet of Cadzow, not being explicitly in 1378, surnamed Keith ; but independently of other circumstances, for two centuries at least, she has always been represented as Janet Keith, and he is the first who has questioned it. Next, though more faintly, he hints that Janet Keith of Bathgate may not have resided at Dalserf, because she only, in 1406, dates a deed there ; but so careless is he in his propositions, as on another occasion, evidently upon the same proof, to make “Janet de Keith” permanently resident in 1406 at Dalserf. Not dwelling, however, on the odd contradiction,—what circumstantial evidence, at this rate, could ever tell?—and are these remarkable, although not the sole concurrences, to be disregarded on his gratuitous scepticism, backed by no manier of minuscule? Laying all the relative facts together, the author confidently founds upon the identity—and, besides, what else would follow?—That at a time when the name of Hamilton was in its infancy in Scotland, there were two David Hamiltons of notoriety, each possessor of lands

Supp. to Hist. and  
Gen. Memoirs of  
House of Ham.  
p. 456.

Mem. of House of  
Ham. corrected,  
p. 10.

<sup>†</sup> *Ut supra.* By looking into Robertson's Index, and Andrew Stuart's History of the House of Stuart, it will be seen that the Hamiltons of Innerwick, and the Liddells, were also *libere tenentes* in the barony of Bathgate, originally given by Robert Bruce to the Stewart. Janet of Galston only possessed the villa de Bathgate, and some other lands ; yet the learned Doctor generally affirms, that she held “the *dominium directum* of the *barony* of Bathgate !”

Supp. to Mem. of  
House of Ham.  
p. 456.

in Machan, \*—each the father of an eldest son, John,—each the husband of a Janet, or of Janet Keith, one of whom possessed, and the other resided at, Dalserf, and both ladies individually, portioners in the comparatively insignificant barony of Bathgate,—coincidences, to say the least of them, most improbable, but utterly to be scouted, *in hoc statu*.

While every thing harmonizes with the present argument, all is hostile to that of Dr Hamilton. He directly maintains, arguing from the confirmation in 1381, that the Family of Bardowie are the heirs by blood of David Hamilton and Janet Keith of Buthernok and Dalserf. But upon this supposition, how came it to pass that their alleged son and heir, John ancestor of Bardowie, did not succeed at common law to Buthernok, but was excluded by Sir John Hamilton, from whom he alone derived his title? And next as to Dalserf, it is still more remarkable, that not one of the race of Bardowie can be shewn, by a shadow of evidence, ever to have held a particle of it. *Dr Hamilton is peremptorily desisted to prove the contrary*; and such being the case, does not the fact refute the very idea of their descent from the above parties?—since, if it had been so, they assuredly, and not the house of Cadzow *who succeeded*, would have been heirs to Dalserf.

Mem. of the House  
of Ham. corr. 10 &  
12.

The same Janet Keith, residenter at Dalserf in 1406, of whom Dr Hamilton claims the representation, had a great estate in Ayrshire †—independently of the property in Bathgate;—but how did it all again devolve upon other families, to the complete disinheritance of the ever unfortunate line of Bardowie? The only way, it is apprehended, of effacing a cruel and unnatural imputation, is, really, by denying that they were her representatives, or, in other words, consistently with what is premised, the vital allegation of the Doctor.

Janet left her estates chiefly to her younger offspring of the name of Hamilton, invariably maintained to be of Cadzow, ‡ and never yet ima-

\* Or only on the skirts of Machan, if the Doctor will have it.

† The lands were Tholoch, Uvermomite, Langsyde, with the services of the tenantry of Golgo Bryntwood, Sorne, Kyrkton, Dundivane, independently of the Manor of Galston. *Reg. Rob. Duc. Alban. Rot. XI. 17. And. Stewart, 83.* Sir Lewis Stewart says she also had Riccarton.

‡ Baillie of Cairnbrue especially, in his History of the Hamiltons which only comes down to 1649, (Ad. Lib.), he living in the early part of the same century, mentions as the sons of David of Cadzow her husband, the Lairds of Bathgate, Bruntwood, and Sorne, thus inheriting the very estates of which Janet has been proved the proprietrix.

gined of Bardowie, which latter family, indeed, was far from producing, or had the means of doing so, cadets of similar opulence and importance.

The patrimony of Bardowie was comparatively small, and, instead of stretching to Ayrshire, or even approximating Dalserf, seems to have been restricted to the vicinity of the Manerium on the confines of Stirlingshire or Dumbartonshire. And so far from having an interest elsewhere, its possessors had enough to do to preserve themselves there, against the attempts of their neighbours, the Campbells and Logans, by whom, and the Stirlings, they were alternately massacred and pillaged; \* nay, the very superiority of their lands, at an early period, was appropriated by the Houses of Keir and Fynart, of whom they, in consequence, became the feudal vassals and retainers.

In short, there seems no other alternative than to renounce the representation of David and Janet of Butherford and Dalserf. What the precise descent of Bardowie, (the *subsequent* line of Butherford) may be, it is hardly the province of the present writer to speculate or determine, being solely interested in disproving the one from the former, as bearing incidentally upon a question that he had exclusively canvassed.

He, however, would incline to the opinion of all genealogists, † of

\* There is, in 1526, “ane respite to John Logan of Balvie, Walter Logane his sone, &c. for ye cruel sloucher of John Hamilton of Bardowy, and Johne Hamilton his sone—commitit in Blairskaithe, under silence of night, be way of murder.” Logane had broken the “assurance grantit be him”—throw slaughter of ye saide umquhile Johne.” In the same year, there is “ane protection and saufgarde to Margaret Weir, spouse to umquhile Johne Hamiltone of Bardowie for all ye dais of her life.” These notices are in the Privy Seal Record for the period;—and, in 1537, Colin Campbell of Auchinhowie, which place, as well as Balvie, are in the ver neighbourhood of Bardowie, is executed for the perpetration, “cruelis interfectionis quondam Alani hamilton de Pardowy.” The facts are not mentioned out of disrespect to the family of Bardowie, but as a specimen of feudal manners, and partly in support of the argument in the text. Enormities then were frequently identified with high lineage; and Sir George Mackenzie rather coarsely observes, “it is an old proverb, that it is a scanty kin which hath neither whore or thief in it;”—and that it “is difficult to find an ancient and considerable kindred, wherein one or other have not been criminals.” But these quotations, probably rather attach to their oppressors than to the above family.

Justiciary Record of  
that date.

Gowrie Conspiracy,  
p. 2.

† Sir Lewis Stewart, advocate in the reign of Charles the First, in his MS. collections, formerly quoted, states, that Janet Keith of Galston and Bathgate, and heiress through her mother of the Gabraiths, had to her husband “the Lord Hamilton of Cadzow,” (besides, his heir) “her secund sone the Laird of Bruntwood, the third sone the Laird of Bathgate, the fourt the Laird of Bordland, (thus holding parts of her estate, and) *the fyft the Laird of Bardowie.*” All our

their being descended from a younger brother of Sir John Hamilton of Cadzow and Butherford, who hence most naturally, upon the theory, gave Butherford, as we have seen, to John Hamilton, necessarily that individual.\* In additional corroboration, Sir John is proved by a deed in 1395, actually to have had a brother of the name of John. No relationship to be sure, is specified between John, ancestor of Bardowie, and Sir John, in the Butherford conveyance; and Mr Wood infers, that John the brother in 1395, was illegitimate, from bearing the same Christian name with the knight. But this is going too far; and we may legally hold the Bardowie ancestor, supposing him the same, to have been lawful. The descent is both ancient and baronial, and should it be discarded, the origin of the family will be involved in perpetual obscurity.

Having thus arrived at a self-evident conclusion, that John, the son and heir of the David Hamilton, and Janet Keith, in the confirmation 1381, was in the direct line of descent of the House of Cadzow, and not, as Dr Hamilton holds, his ancestor, it next falls to consider the remaining objections, or rather cavils of the learned Doctor—only serving to attach to him his own charge of error and misrepresentation against the author—which is rather perhaps unfortunate, as—

*“Turpe est doctori cum culpa redarguit ipsum.”*

He would fain pretend that the author has mistaken, or misrepresented the meaning of the preceding conveyance of Butherford in the Chartulary of Lennox, proceeding upon the resignation of Sir John Hamilton, in favour of John the disponee, first of Bardowie. He has given it at full length; and what is amazing, notwithstanding the palpable inference upon the very face of it, heedlessly insists in the accusation.

The deed is in the shape of a confirmation of the grant by Duncan,

genealogists likewise make the first of Bardowie a younger son of David of Cadzow her husband, though some modern ones erroneously style him David, as well as Janet Keith, probably in order to enhance the alliance, a daughter of the Marshal of Scotland, to which family, however, she belonged; yet even Douglas did not fall into the last mistake, for he describes her as daughter and heiress of Sir William Keith of Galston.—*Peerage, first ed.* p. 328.

\* The arms of Bardowie are quite consistent with the idea, being those of the House of Cadzow differenced by an annulet, and a chevron having one, and not three bears heads, (the *insignia* of Galbraith)—the whole being the appropriate bearing of a younger son of David Hamilton of Cadzow, and his wife Janet, representative of Galbraith.

Earl of Lennox, the ultimate subject superior, upon the resignation of Sir John, which it narrates. The dispositive clause is simply to "John amilton," who, as the disponee, is afterwards described in the *tenendas*, and *reddendo*, merely as "*eidem Johanni*," or "*dictus Johannes*"—there being no other variation of his style,—and thus, in marked contradistinction to the resigner, for whom, in the *quæquidem*, where he could only be comprised, the sufficiently emphatic terms, it had been thought, of "*dominus Johannes de Hamilton*"—and "*dictus dominus*," are exclusively reserved. † Hence, it clearly follows, that the resigner was totally different from the disponee; for no notary could have made so senseless a distinction, supposing them to be the same. ... The latter idea is adverse to every notion of propriety, and, moreover, to established legal practice, as illustrated even in the very compilation from which the deed is taken. In *all* confirmations there, upon resignation—as might naturally be expected—when the resigner and disponee were one person, the term "*dictus*" is invariably employed on the second allusion to him. ‡ Here, therefore, in that event, *dictus* would most certainly have been used, on the introduction of "*dominus Johannes*"—there being only one previous notice of a John (the disponee) in the dispositive clause;—but it, however, is not,—although, in conformity to the same rule, added upon Sir John's next appearance. Combining this weighty circumstance, then, with the form embraced in the above MS., necessarily being as in the deed in question, when the resigner and disponee were *distinct*, it inevitably follows, that they likewise were so upon the present occasion. ¶

† A copy of the document is subjoined in the Appendix, No. II. In the title also, the Disponee is simply "*Johanni de Hamilton*."

‡ Thus the Charter by Robert the Second, of the earldom of Lennox in 1392, to Duncan, Earl of Lennox, upon his *own* resignation, is—"Duncano Comiti de Lennox," in the dispositive clause—next—"qui quidem Comitatus fuit *dicti Comitis*"—"Tenendum *dicto* Duncano," &c.

Chartulary of Lennox, Ad. Lib. 24.

Again, the same Earl confirms a property in the same circumstances, "Malisio Carrach"—*quequidem terra*"—"fuit *dicti* Malisii,—et quam *idem* Malisius resignavit." So far was this carried, that even when the disponee and resigner were distinct, yet, if there was any incidental allusion to the latter in the dispositive clause, *dictus* was immediately thereafter employed in reference to him. Earl Maldwin disponee an estate, "Lucæ filio Magistri Michaelis de Fyntryf" Ib. 42.—and then the *quequidem* states, that it had been held by "*dictus* Magister Michael."

If, therefore, Sir John had been mentioned, or if there had been the slightest allusion to him, in the dispositive clause of the Buthernok deed, *dictus* (as is not the case) would have been annexed to the first notice of Domines Johannes in the *quæquidem*. And hence the opposite practice manifestly shews he was different from the disponee.

The principle on the author's construction is illustrated in the very case of the disponee, for on his second insertion "*eidem*" (tantamount to *dicto*) is employed. All, accordingly, is natural and intelligible; but on the opposite theory, there would be nothing but absurdity and contradiction. Out of the no less than three times also in which the disponee is mentioned, it would be expected, if actually the resigner, that he at least would have been once so designed, even by the most careless notary—But this is not the fact, and there is an evident system and congruity throughout only susceptible of the author's interpretation, which, indeed, will be further confirmed.

Yet can it be imagined, that the conceit of the identity of John, the disponee, with Sir John, and hence that John, first of Bardowie, was not a stranger, but held the estate upon his own resignation,—and thus, as must be presumed, agreeably to the Doctor's theory, as the heir of David and Janet in 1381,—is not only directly maintained by him, but, moreover, made the groundwork of a charge of unwarrantable assertion against the author?

Neither, too, as almost invariably happens, does the learned Doctor condescend upon one argument or inference in support of an allegation that is purely gratuitous, and could only be authorized by a desperate vicissitude. He quotes the words, "*eidem Johanni*," in the *tenendas* in its support, but this is all;\* as if, forsooth, these terms had not express reference to the previous *John* (not Sir *John*) in the dispositive clause; and more especially, as if *he* is not clearly identified with the said "*eidem Johanni*"—to the complete exclusion of the resigner—by the absence of *Dominus* in both cases, and obvious similarity in their description! But more than enough has now been said upon such glaring absurdity; and really it must be confessed, that the miserable *attempt*, if it can even be called so, in its defence, is only equalled by the recklessness and injustice of the accusation.†

Mem. of the House  
of Ham. corr. p. 7.

ib. ib.

\* Alluding to the document, the Doctor says, "In this it appears clear, that the same person (*eidem Johanni*) who resigned the lands obtained the same grant."

ib. p. 88.

† Yet Dr Hamilton is so bold as to add, that "every candid person must be satisfied that Dr Hamilton's account of this charter (containing a more glaring misrepresentation, to be immediately exposed) is correct." Never was there such perversity of fact! He might, with equal foundation, have expressed himself in the same manner, on the subject of his imaginary male representation of Fitz Galbraith.

If, however, the charge be, as it is, most futile and preposterous, what will be said of the very next pretence? The learned Doctor proceeds even further, and still more desperately maintains in order to elude the unavoidable conclusion, that in the above document “*there is NO MENTION* Ib. ib. *made of either one or other* (the disponee or resigner) *being a Knight*, as Mr Riddell asserts!”

This is rather indeed too much; and, with all deference to Dr Hamilton or his adviser, it cannot but be felt, that replying to such observations is mere waste of time,—most jejune, and unprofitable. Surely they must perceive, that the resigner is designed “*Dominus Johannes Hamilton*,” and “*dictus dominus Johannes*;” and will Dr Hamilton take it upon himself to affirm, that “*Dominus*” does not here express *Knight*? No. 222.

It is degrading to an Antiquarian to be obliged to advert to such cavils, far more to answer them;—and it is upon these grounds (for the Doctor makes this his principal attack) that the writer is liable to the 16. 6. 8. charge, more unfoundedly, surely, than ever yet attempted, of flagrant error, and apparently want of candour! Since he is compelled to do so, he must take the liberty of telling the Doctor, that the slightest knowledge of ancient legal phraseology would have let him into the secret, that *dominus*, when so occurring, actually denotes knight.\*

The previous Lennox confirmation, it is again confidently maintained—and the Doctor is called upon to disprove the assertion—is the original and exclusive title of the family of Bardowie to Buthernok.

Afterwards, John, the disponee, would naturally be designed “*Dominus*,” or *Laird* of Buthernok,—the term, as is notorious, having, when so used, that signification. † “*Dominus Johannes*,” the learned Doctor may further learn, is very different from “*Dominus de Buthernok*.” Let

\* To give an instance, though the same as proving A the first letter in the alphabet, there is allusion in an Exchequer roll in 1402, to “*Domino Willielmo Senescallo de Jedworth*;” and previously, in the *Fœdera*, in 1397, the terms, “*Sir*,” “*militibus*,” and “*knights*,” are alternately applied to him and another individual. In a deed in 1398, we meet with “*Sire John Hamylton of Cadzow*,” and this personage—in fact the same with Sir John, the resigner of Buthernok,—is often, as well known, styled “*Dominus Johannes, &c.*—particularly in a Royal Charter in 1392.

Reg. Rob. 111.  
Rot. 10. 27.

Sometimes, rather redundantly, both *dominus* and *miles* were used, but *Dominus* never anciently before the christian name, in reference to a laic and a subject, not a knight. Its intrinsic meaning, when preceding a christian name, was Sir, which even obtained in the case of churchmen, when *Dominus* was so rendered in our language, they being then what was vulgarly denominated Pope’s Knights.

† Again, to prove a truism, in the *Acts of Parliament*, on the 10th of October 1464, there is

us illustrate the point by means of his own family. For example, there may be many “*Domini de Butherford* ;” but *quære*, is there one “*Dominus Johannes de Butherford*,” or one designated “*de Butherford*,” with such Christian prefixure? Accordingly, John is described as above, in the deed that follows the other, and hence, of a later date, in the Lennox Chartulary. But here, the remarkable circumstance again occurs of the knightly epithet being still withheld from him\* ; thus completely refuting his identity with *Sir John*, the resigner of Butherford.

The Doctor idly affects to insinuate that this deed disproves the latter to have been *Sir John of Cadzow*! With equal reason of a truth he might argue—seeing the deed has as much application to him, because there were numerous cotemporaries of the name of John, who unquestionably had just as much weight and influence upon his rank and *status*. It is certainly sickening again to listen to such observations, only noticed out of personal deference to Dr Hamilton, (if they be really his); but, quitting them we will proceed to his other suppositions, which are still marked by the same peculiarity of destiny.

He admits in his last publication, that, if the Cadzow family had had a residence or *manerium* at Dalserf about the year 1381, the author’s argument from the date of the confirmation would be decisive. That, it is conceived, has been fairly established,—but why, pray, should the fact of an actual residence there be so essential to the argument? It is very plain, that the point being settled, as it has been, of Machan, and consequently, its pertinent or accompaniment Delserf, belonging then to the family, the same identical inference would as irresistibly follow; and hence, in such circumstances, any Hamilton though only appearing as owner of Dalserf, must still, according to the author’s inference, be presumed to be Laird of Cadzow. It would just be as relevant to suppose the contrary; as that an act referring to Scotland did not comprise Edinburgh, the metropolis.

Dr Hamilton’s chief vehicle of argument is theory, or conjecture, in one view natural enough, as he has nothing else to adduce; but, however

mention of “*Thome de Cranstoun de eodem*”—on the 12th of January 1467, of “*ye larde of Cranstoun*”—and on the 18th of March 1481, of “*domino de Cranstoun*.” The family were neither knighted, nor ennobled at the time.

\* He is three times described in the title and body of the charter, twice as “*Johannis de Hamilton Domini de Butherford*,” and once as “*Johannes de Hamilton Dominus de Butherford*.” By the way, independently of its position in the chartulary, the deed is proved to be posterior to the previous grant, as it alludes to it.

tempting, it is rather too much to suppose in the words of Gawin Douglas, that the solid facts of antiquity are to yield to this “fenzeit imagerie.”\* From what is premised, the *onus* in law is clearly laid upon him, and unless he can adduce *proof* to redargue his opponent, he must inevitably fail in his cause.

Of the previous description is confessedly his next hallucination. He says there might have been many fiefs in Machan, each having a manerium so that Dalserf may not have been the only one. This is in the view of shaking the argument drawn from the evidently opposite inference. But who, pray, let the Doctor into this important secret? While there is not one minuscule in support of the assertion, it is indisputable that in the original grant to the family of Cadzow, Machan is simply styled a “*tenementum*.” Hence, as must be presumed, Machan could be only one fief; and nothing can be more idle than splitting such straws.

Little satisfied himself with the conceit, he has again recourse to a bold expedient. He directly maintains, that the same original grant “conveys merely the superiority of *that barony*” (Machan, being so afterwards erected)—and this apparently, in the view of opening the way, in conformity to his notion, for the possession of the *dominium utile* of Dalserf by the family of Bardowie.

Ib. 10.

But no assertion, it is conceived, can be more empty or unwarranted. The document in question is fortunately upon record, and conveys the “*tenementum de Machan*”—“in feodo, et hereditate, per omnes rectas metas, et divisas suas, cum omnibus liberetenentibus dicti tenementi libere, quiete, plenarie, honorifice, et cum omnibus aliis libertatibus, commoditatibus, aysiamentis, et justis pertinentiis suis.” Taking it then along with the fact, of the Baron of Cadzow, in the reign of Robert the Third, granting an annual rent out of Machan, and the subsequent possession, as proved, of the *dominium utile*, it is almost needless to observe, that this new pretence is of much the same character with a notable one that has been exposed.

Reg. Rob. I. Rob. I.

72.

Rob. Ind. 138.

In exclusive grants of superiority, in the *fourteenth century*, with which

\* To relieve the tedium of the discussion, it has been deemed advisable, as a violent effort to counteract its poppy influence, to add the will of this illustrious personage, only lately discovered, in the Appendix. *Vide* Append. No. 3.

Transum'd in 1509,  
upon record.

Reg. Rob. II. 113.

Last pub. 10.

Ib. 8.

Ib. ib.

Reg. Mag. Sig. Lib.  
3. 85.

Dr Hamilton would fain liken that of Machan, very different language certainly was employed. The correlative terms were either “*superioritatem*,” or “*superius dominium*.” Thus, Robert II. grants to his son-in-law, Sir David de Lindsay, “*superioritatem baronie de Guthrie*”\*—and by another deed in favour of the Earl of Douglas, the “*superioritatem, sive superius dominium tenandrie de Kydiston*,” lying in the barony of Dalyell, which is also said to have belonged to Sir Duncan Walays, and John de Nesbyt, upon whose resignation, this conveyance of the superiority *alone* proceeded. † Really, in the face of such facts, the circumstance of the period, and the mode of possession, as explained, we are at a loss to conceive, feeble as his case may be, how Dr Hamilton could have been driven to such a plea.

But we willingly confess we have wronged him in overlooking one of his arguments. He objects to Dalserf having been the Manerium of the Cadzow Family, its possession in 1461, by a cadet, which he thinks is fatal to the supposition, because, if it had been so, they would not have parted with it. This is mere twaddle; for why, it may be asked, even in the face of this formidable objection, might not a Baron of Cadzow have given the secondary estate of Dalserf to a younger branch? There is certainly nothing unnatural in the idea, especially when we recollect, that the very yards and precincts of Hamilton Palace—the principal seat—were possessed, until very lately, upon ancient alienations, by the inferior vassals of the family.

The fact is also alluded to, of David Hamilton, the confirmer in the charter 1381, appearing as a witness under the description of David of Cadzow, in the separate and previous deed which he confirmed—from whence it has been attempted to argue, that they were distinct. The author maintained the irrelevancy of such conclusion, but even the learned Doctor now corroborates it, for he produces an instance of the same kind in the case of an Earl of Lennox; and, in reality, the circumstance rather supports the identity.

\* At the same time, there was also transum'd a curious old charter by William the Lion, of the “Terram de Gutherin,” “Waltero de Lakervelle,” which “Ogerus de Lakervelle” formerly had obtained.

† To the same effect, there is a Royal grant even later, in 1431, of the lands of “Kylherne, Wester Ladlewane,”—*superioritate de Middel Ladlewane*,—*corrucata terre de Kylmonegane*, &c.

He indeed cavils upon the discrepancy in their designations, but this is a most weak objection. Innumerable instances there are, anciently, of the same Barons, both personally and territorially, designed; and were we to lean to his scruple, there would be no certain identity, and the utmost perplexity would be introduced into the pedigree of most of our families. In previously answering his observation, that David of Cadzow, father of the above David, was dead in 1373, it was shown, from his son's description, that he might have lived later; but the circumstance is unimportant, as the preceding remarks are enough, and quite in unison with former ones.

The last observations of Dr Hamilton, on this head, are also erroneous; and surely, whatever a person might hold, *prima facie*, on a subject that required investigation, he should be well instructed in his facts, when he attempts, by means of them, publickly to redargue a controverted point.

The learned Doctor has urged, that Machan was the only feudal estate of the House of Cadzow in 1381, and that their taking the title of Cadzow, which he asserted was exclusively royal property, and where they merely resided as managers, but were not possessors, afforded a presumption that they had no manerium at all on the feudal estate, and hence did not possess Dalserf, else they otherwise would have been designed of Dalserf. Now, at length, sensible of the fallacy of some of these propositions, he is inclined to recall them, admitting Cadzow to have been in 1381 a barony, though still attempting to represent David only as a hereditary keeper, and Cadzow still a royal castle.

It however is beyond controversy, that David the Second, in 1369, confirmed the "barony of Cadzow to the family (for it had been so erected in their favour, even by Robert Bruce) under the simple reservation of the payment of so much money yearly as a reddendo, and a relaxed duty on the infestment of heirs. The crown had indisputably, not only then, but before, quitted all their other pretensions to Cadzow including the castle, which thereafter became the hereditary barony of the Hamiltons. Besides being infest in the barony of Cadzow by Robert Bruce, the family had obtained from the same Prince a feudal grant of the barony of Kinneil, which has ever since remained with them; and hence by the previous allegation, the House of Cadzow would obviously, in the face of fact, be disproved the feudal owners of Kinniel, as well as Dalserf.

Supp. to Hist. and  
Gen. Mem. of House  
of Ham. 456, and last  
pub. 12.

Reg. Dav. 2. Lib. 1.  
190.

Original 24th July  
1324. Ham. Charter  
Chest.

But confessedly, upon the Doctor's own principle, owing to his being the actual possessor,—independently of the strength and commanding situation of Cadzow, its superior value and distinction,—that of Cadzow was the most eligible title David could assume, and he may be well allowed to have borne it, without his feudal title to the rest of his estates including Dalserf, being possibly affected.

These latter cavils, therefore, are very like the former, and with every apology to Dr Hamilton, the author must now rejoice in being nearly liberated from the ungrateful task of being compelled to notice them,—in other words "*nugis addere pondus*," equal to no higher vocation than correcting ordinary *errata*, though certainly unprecedented both in character and number.

## II. SECOND THEORY OF DR HAMILTON—*That the Hamiltons of Bardowie were male Galbraiths, or descended in the male line from William, the son of Arthur, the son of Galbraith of Buthernok, alive in 1238.*

We now come to the remaining theory of Dr Hamilton representing John, first of Bardowie, as having that *status*, \* though rather strangely disguised in the garb of a Hamilton.

"*Chimæram, Chimæra parit*," and he probably is impelled to the notion by the laudable, though visionary design of establishing for Bardowie an independent ancestry.

It is exclusively grounded upon the mistaken idea of John, first of Bardowie, having succeeded as heir at law to David Hamilton, and Janet his wife, in Buthernok, from whence it is in like manner presumed, that he may also have been the heir of the ancient patriarch William Fitz Arthur, &c. who moreover is proved to have held the same property. But the argument upon its premises has already received a complete refutation. Buthernok, it has been shewn, was not patrimonial in John, he only acquired it by a singular title, by the noted conveyance or resignation of Sir John Hamilton, evidently of Cadzow, before 1394, whose family,

\* His words may be here quoted. "This conjecture (a previous one) being therefore no longer tenable, Dr Hamilton proposed, but as mere conjecture, the probability of the Hamiltons of Buthernok being the male heirs of William, the son of Arthur, the son of Galbraith, who obtained a charter of these lands in 1238; nor has any thing yet been advanced to show that this conjecture is improbable."

therefore, and not that of Bardowie, are alone entitled to the benefit of the presumption. It is needless to say more of a document, the cavil against which has received too great attention, and " be the quhilk"—to use the words of an ancient lawsuit,—" the throt of this cause is sua cuttit, and ye question sua planelie decydit, that na man can forder dout yerof." *ite et cunctis r. illo quoque credidit hoc Galbraithus sicut dicitur.*

All previous therefore to its date, is *jus tertii* to the family of Bardowie, who, by that fatal muniment, are for ever dissevered from the much envied representation. As formerly shewn, it centered through the above Sir John along with the heraldic *insignia* of the Galbraiths, in the noble House of Cadzow, who thus for ever cross the path of Dr Hamilton, as if reminding a reluctant son of the fealty due to his liege lord and superior.

Hence, the present controversy is now at an end,—but on another account, it may be incumbent to add a few words.

In refutation of an assertion of Dr Hamilton, that the Galbraiths never held any part of Buthernok except as vassals of the Hamiltons—palpably absurd and untenable, the author, *inter alia*, quoted the grant that has been adduced from the chartulary of Lennox, of the lands of Buthernok by an Earl of Lennox, to William, the son of Arthur, the son of Galbraith. † But it casually happened, either from an error of the transcriber, or the sheets of his communication being thrown off in the west country, and unrevised by him, that "Malcolm," instead of "Maldoueny," had been substituted as the Earl's christian name, although the author's quotation in every other respect (like his facts in general) was perfectly correct.

This may have been too fortunate an occurrence for the learned Doctor, who had evidently nothing else to assail in the whole controversy,—and although with the same breath actually himself misstating the date of the grant—besides the extraordinary circumstance elsewhere, of putting to the public, as an historical fact, what was then and now of course notorious.

† A small portion, it may be observed, of Buthernok, had been possessed by a vassal of the name, as is instructed by the charter 1381; but his holding it of the principal line of Galbraith, or their heirs, the House of Cadzow, cannot, as the Doctor strangely fancies, disprove the latter vassals of the Earls of Lennox. Indeed, as has been shown, Sir John of Buthernok (or of Cadzow) actually held Buthernok of them.

Macalzean 1582.

*Vide his last pub. 4.*

ting a sentence into the author's mouth which he never uttered, \* and arguing upon it,—he has chosen to convert the accident into a bitter attack against him.

It might perhaps be maintained, that the learned Doctor was not the first entitled from his own deviations, even to carp at a serious error. But, upon such ground, and without any other pretence to stigmatize the author as both careless and inaccurate, is surely going a length—if the Doctor be here personally concerned—that can only be palliated by the badness or weakness of his case,—with which observation, therefore, and without any further comment, we may very fairly dismiss this pertinent objection.

In respect to the other singular mode of attack, the mere mention of the fact may suffice.

Dr Hamilton has also a motley tissue of notices of the Galbraiths, from which it is obvious, besides his misapprehension of their pedigree, *that he is ignorant of the oldest and most curious evident of a family*, once highly distinguished, and who engrossed so much of the ancient earldom of Lennox. These seem to be introduced to distract the real question; but they contain one remark so exquisitely ludicrous, that it cannot be overlooked in taking a final farewell.

The Heads of the Galbraiths anciently, are patronimically designed “the sons of Galbrat,” from their first *great and well connected ancestor*, yet Dr Hamilton maintains, that Galbrat here, is “not a—family appellation,” or derived “from an ancestor,” but expressive of land, † while it is indisputable no such place has ever yet been discovered. Agreeably then to

Last pub. 4.  
Ib. 9.  
Vide Supp. to Mem. of House Ham. 458.

\* Alluding to a statement of the author, Dr Hamilton quotes the following as his words, within inverted commas.

“ Every fief or barony had a Manor, as it was called, which was peculiar to it, and where the proprietor resided; *but Dalserf was a manor, and it therefore must be the manor of the Cadzow family, Lords of the barony of Machane, in which Dalserf is situated.*” By recurring to the controversy, it will be seen that all marked in italics are not the creation of the author, but of his ingenious critic. It may be added, the argument did not rest upon these facts, but further also upon Dalserf never being proved to belong originally to any other Hamilton than of Cadzow.

Ib.  
† He indeed founds upon “de” being eventually prefixed to Galbraith, but this, as is well known, is immaterial. “De” did not always imply territoriality, in support of which we may only refer to the Scoto-Anglo Race of “la Zouche,” or “la Souche” which surname is quite personal, properly meaning the principal stock; yet, on innumerable occasions, the Family are styled “De la Zouche.”

this argument, "Arthur, son of Galbrait," with whom the Doctor is so eager to connect himself, must have been even less than *de plebe*, and rather strangely indeed, though literally, the son of a clod. But his jarring assertion at the same time, that the Galbraiths, if using a patronymic, would have been designed, as they actually were, by the very epithet of "filii Galbrat," precipitates the whole proposition into such a pitch of contradiction, as well as absurdity, as cannot be equalled in any controversy.

The writer need hardly admit, that any errors or misconceptions he may have fallen into, he will be ever ready fairly to acknowledge; but certainly, unless something more weighty than hitherto, be offered, it may be unnecessary to recur to the controversy. Dr Hamilton has also attacked the work, where his article respecting the Stewarts, which incidentally broached the present question, is introduced; but it in a manner was his only communication to that performance, and the author will be fully able to meet his objections.

Although the foregoing topic is comparatively unimportant when viewed in reference to the family of Bardowie, its influence is great in determining the controversy as to the male representation of the Stewarts, discussed, as is well known, at the close of last century.

The preceding Janet Keith, after the death of David of Cadzow, her first husband—which must clearly from the confirmation in which he is mentioned in 1381, have been some time *subsequent* to its date—married Sir Alexander Stewart of Darnley, by whom she had undoubtedly Sir John Stewart of Darnley, and his younger brother William, who both fell at the siege of Orleans in 1429.

With this last William, it is the professed and sole object of the acute Andrew Stuart their champion to identify Sir William Stewart, ancestor of the Castelmilk family; but as the same Sir William of Castelmilk is one of the umpires for the peace of the West Marches in 1398, he could not have been that William, who evidently must have been only a boy or stripling at the time.

Besides, the real William of Darnley was simply an "Ecuyer,"—or squire in 1421, while the other William had been a knight as early as 1398—an honour, indeed, even in 1406, that Sir John, the elder brother, had not attained.

*Fæderæ, viii. 53.*

*Hist. of the Fam. of  
Stuart, by And. Stu-  
art, 334*

*Reg. Rob. Duc. Al-  
ban., Rot. xi. 17.*

These facts are, indeed, quite conclusive, and put an end to this much agitated controversy.\* Andrew Stuart has fallen into some other misconceptions as to the remaining children of Sir Alexander Stuart and Janet Keith, as well as to the parents, which must be duly attended to by those who dip into the matter—particulary, there is no foundation, as he conceives, for Janet, wife of Thomas de Sommerville, being their daughter.

Neither was Lord Galloway, the other competitor, more fortunate in his claim *as then stated*, for the previous objection even strikes with greater force in his case, which besides, on the same ground, is refuted by *separate* evidence.

The respectable and well allied family of Castlemilk, must have been anterior to the time of William of Darnley; and, as the author has hinted elsewhere, there are circumstances inferring for them a Darnley descent, but, as they are now extinct in the male line, † the field is necessarily open to new argument.

Before concluding, the author also cannot help adverting to the mass of fable in which the earliest era of the Hamilton pedigree is involved. In the want of legal and apposite evidence, that strange person, Douglas

\* It called forth the following publications:—

State of the Evidence for Proving that the present Sir John Stuart of Castlemilk is the lineal Heir-Male, and Representative of Sir William Stuart of Castlemilk, who lived during part of the 14th and 15th Centuries, 4to, 1794.

View of the Evidence for Proving that the present Earl of Galloway is the lineal Heir-Male and lawful Representative of Sir William Stuart of Jedworth, so frequently mentioned in History from the year 1385 to the year 1429, by the Rev. Mr Williams, 1796.

Genealogical History of the Stewarts from the earliest Period, &c.; containing a particular Account of the Origin and successive Generations of the Stuarts of Darnley, Lennox, and Auberghy, and of the Stuarts of Castlemilk, &c. By Andrew Stuart, Esq. M. P., 4to, 1798.

The Genealogy of the Stuarts refuted (in Answer to the preceding), in a Letter to Andrew Stuart, Esq. M. P. By Sir Henry Steuart of Allanton, Bart., 4to, 1799.

Supplement to the Genealogical History of the Stewarts (in Answer to the last). By Andrew Stuart, Esq. M. P., 4to, 1799.

Abstract of the Evidence adduced to prove that Sir William Stewart of Jedworth, the paternal Ancestor of the present Earl of Galloway, was the second son of Sir Alexander Stewart of Darnley, proving that Lord Galloway, after the death of the Cardinal of York, becomes the Chief of the family of the Stuarts, by the Reverend Mr Williams, 4to, 1801.

† The following specification of the relationship between the Stewarts, Earls of Buchan, the Crichtons of Sanquhar, and the Stewarts of Castlemilk, some centuries ago, from a deed in a private charter-chest, is unknown, and curious, as further showing the use of soubriquets at the

the Peerage writer, has interjected in 1272, Gilbert de Hambleton, *clericus*, Peerage, 327. (an accompaniment, however, he suppresses), as their ancestor: There can be no doubt of the misrepresentation, as *clericus* is added to Gilbert in the very deed, in the Chartulary of Paisley, to which he refers.

The true immediate progenitor of the Hamiltons undoubtedly is, "Wautier fiz Gilbert de Hameldon," who swears fealty to Edward the First, among the other liberetenentes of Lanarkshire,—but of the identity of whose father Gilbert with the churchman there is no proof, and hence it cannot be presumed. Walter, in consequence, must have held land in that county of the Crown, but the name or situation it is by no means easy to discover.

He was probably a person of baronial descent, and the cadet of a family; for on his seal, still extant at Westminster, besides the three cinque-foils, the common arms of Hamilton, there seemingly is a label in chief—well known at the time as a baronial mark of cadency. In the same way, Walter Stuart, Earl of Menteith, a younger son of the House of Stewart, also differences the arms of Stewart.

The bearing of the cinquefoil, peculiar to many Leicester families, an observation of Burton in his History of Leicestershire, and the frequent occurrence of Hambledon in England, independently of other coincidences, point at an origin in that country; but its precise nature is unknown; and this is a fair subject for antiquarian investigation.

The name certainly appears in the Chartulary of Melrose, at the commencement of the thirteenth century. It may be only added, that the male representation of the House of Cadzow has long devolved, owing to their male descent from Claud, "Commendator" of Paisley, † upon the

time. "Computantur gradus subsequentes. In primis quondam . . . . Steward pater Jacobi Comitis de Buchan, alias vocati *Lord Jakke*, unus; ipse quidem Comes, vocatus *Lord Jakke* secundus; ejus filius qui obiit in conflictu de Flowdoun, &c."—"Ex alio latere, quondam . . . . Stewart de Castelmilk, soror patris dicti quondam Comitis *Lord Jakke* unus; filia dicti quondam domini de Castelmilk, vocata . . . . Stewart quae dedit nuptui quondam *Edwardo Crichtoun* vocato *Lord Clatpbut*, secundus; ejus filia domina *Yester*, &c." The deed is imperfect and decayed; but it is clear that the sister of the Black Knight of Lorn, the husband of the widow of James the First, married Stewart of Castlemilk; and the Knight was the father of James, or *Lord Jakke*, first Earl of Buchan of his line.

† Claud was a favourite of his father the Regent Chatelherault. This appears from the will of "his Grace," in 1574, where there is this remarkable passage, "and levis (he the Regent) cok- Edinburgh Commissary Records.

noble family of Abercorn, in whom, undoubtedly, centre all the Peerages that were limited to heirs male, including the ancient Earldom of Arran; although hitherto unassumed by them.

J. R.

*Edinburgh, June 1828.*

kell (the French Order of St Michael, of which he was a companion) to be randerit and deliverit again (to the King of France) be ye saide Claud,—quherunto bis Grace was obleist be his aith, and for exonering of his Grace's conscience in yat perte, and that ye said cokkell may be deliverit agane, as said is, hes gevin presentlie ye samin into ye saide Claudis handis, sua yat ye saide Claud myt ressaue ye soumes of money awand to his Grace quhilk wes promittit be ye King's Maiestie of France for yat tyme quhen he ressavit ye said cokkell." The last passage is curious and illustrative of history.

In the same year, Lord Claud pursues Lord Sempill in the civil court, for delivery to him of "ye blak buk of Pasty." This, it is believed, is the oldest notice of a chronicle alluded to by historians, and which has been the subject of controversy. Some relative extracts are to be found in an MS. in the Advocate's Library, transcribed in 1501. Like most of our chronicles, it may chiefly have embodied Fordun; at the same time, these often contain interjections and additions that are curious. Thus, in an old compilation from such authorities, there is the following cotemporary notice of the arrival of Queen Mary in this country, which being more particular than any yet quoted, may be here added.

"MDLXI, ye 19 day of August arryvit in letht raid twa galayis in ye mornynge, ye quene Marie owr soweran landit yat samyn day, ande dynit in Andro lambis howse, to ye great reioeing of all Scotland ande her subjectis." The latter, probably, was the person afterwards called "Capitane Andrew Lammie," who, according to Birrell at Carberry, insulted Mary with the "ensigne," representing the murder of her husband. Chalmers says she remained in her galley till the evening, but this is without any authority.

## KINGSTON

### APPENDIX.

No. I.

(P. 7.)

#### STATEMENT IN REFERENCE TO THE LATE PRETENSIONS OF THE FAMILY OF LENNOX OF WOODHEAD, TO THE HONOURS AND REPRESENTATION OF THE ANCIENT EARLS OF LENNOX.

The ancient family of Haldane of Gleneagles, and the noble one of Napier of Merchiston, have always been held, until very modern times, to be the coheirs of Margaret de Lennox, wife of Monteith of Rusky, who, there is every reason to believe, was the eldest daughter of Duncan, Earl of Lennox, who left existing issue.

This at least appears to be the fact, whatever doubt there may be, as to which of the former was her nearest representative—owing to the deficiency of explicit legal evidence.

But a statement has lately been printed and circulated through our public libraries, claiming for the family of Lennox of Woodhead, whom it designates “The Heir of the House of Lennox,” the exclusive representation of Earl Duncan, in right of an alleged lawful son he is stated to have had, of the name of Donald, from whom they deduce their descent.\*

Owing to these circumstances, and the author having been personally interested for one of the above coheirs,—whose preferable right the statement also attacke,—he holds himself called upon to adduce an original picce of evidence he only recently discovered, that may go essentially into the merits of the case—but which, for its right apprehension, it may be proper to premise with a few observations.

Duncan, Earl of Lennox, had three daughters, the eldest of whom, in virtue of a settlement of her father, in 1391, confirmed by a Royal charter, granting the Earldom to heirs-female, in failure of heirs-male of the body, succeeded to it. There being no legal forfeiture, owing to the noted trial and execution of Earl Duncan, after her death, the two coheirs of Margaret, his second daughter, and John Lord Darnley, the only heir of Elizabeth, the youngest, were by their respective retours served nearest and lawful heirs of the Earl in the Earldom, which eventually, after various contentions—but in the complete absence of any other competitor—was divided and parcelled out amongst them.

During all this time, judging from any public evidence, there is no room for supposing that Earl Duncan had any lawful son. In deeds affecting the Lennox property, both he and his eldest daughter, Isabel, Duchess of Albany, and Countess of Lennox, respectively take the

\* It is a quarto of eighty-eight pages, entitled, “Case of Margaret Lennox of Woodhead, in relation to the Title, Honours, and Dignity of the ancient Earls of Levenax, or Lennox,” printed at Edinburgh, and subscribed by an eminent Counsel, Robert Hamilton, Esq. Advocate.

## APPENDIX.

Dated 25th August  
1423. Reg. Mag.  
Sig. Lib. III. No.  
83

consent of the female heir, which shows, according to cotemporary practice, \* that that person was in fact the heir, to the perfect exclusion of an heir-male, whose claim is thereby virtually refuted. Nay, further still, Dutchess Isabel is expressly styled in her charter, confirming a grant by her father, (who was then alive), of lands in Lennox, " HÆREDEM Comitatus de Lenox," † which she could not have been, in terms of the regular conveyance, had there existed a lawful son,—and what is material, she is so designed as will be seen, only five days after the date of a deed in favour of the ancestor of the family of Woodhead, in a character as contended for him, that made him the lineal heir-male, and hence the heir of Earl Duncan, undoubtedly before her.

Neither was a surmise ever whispered of the preferable right of any one as such, until after the middle of last century, when the representative of the Lennoxes of Woodhead, first advanced a claim upon that ground. Their argument is embodied in the recent statement that has been mentioned, and it clearly centres in this.

Earl Duncan, by a charter dated at " Strablane, 22d of July 1421, with the consent of Walter Stewart || (his grandson), conveys the lands of Ballyncorrauch, &c. in the parish of Campsy, to " Donald of ye levenax," whom he there designates his " laffwell sone." And by a subsequent charter, dated at " Ynchmoryne," 6th of July 1444, Dutchess Isabel his daughter, as Countess of Lennox, confirms a grant by Sir William Graham, " Donaldo de Levenax filio legitime nobilis domini *mei* (i. e. of Sir William) ac potentis Duncani Comitis

\* Every antiquarian knows how often the consent of next heirs (even at common law), was taken anciently in Scottish deeds. Their interest too, was much more indefeasable than at present, and one of the grounds why James the Second reduced an alienation of his lands by John Swift is, that it was " in exhaerationem Thomæ Swift filii sui et hæredis, ipsiusque damnum non modicum et gravamen."

What is rather singular, and as is believed, hitherto unknown, Queen Mary, on this very grouud, obtained a reduction of her mother's will, where, it seems, she had been overlooked. Because, being " pretermittit (to quote her own words), and na mentione maid of hir in the saide testament and latter will, contrair all ressoun and justice, oure saide sonerane lady thocht expedient to comit the samyn to be jugelt by hir hienes secret counsall, be quhaiis anwer hir hienes has fundin the said testament to have bene unlauchfullie maid." She further insists, in respect " of hir gude beiring, and deir bonoure—gevin evir to hir said deirest moder," she did not deserve such a slight, neither could she brook it, conceiving Mary of Loraine had here acted " agaist her accusmat ressoun and religioune;" for which reason her Majesty herself decerned the said testament to be " voide, ande null." Further, on the case being submitted to the ordinary tribunal, at her instance, as her mother's nearest heir, William Earl Marishall, and Sir John Campbell of Lunday, the testamentary executors, renounce their office, Mary promising at the same time to pay the debts, and requite faithful services.

—This also shows the superior claim Donald would have had, if lawfoul. Being then, like Mary, the heir at common law, as well as the lineal heir-male, and the heir under the regulating investiture, he might still more easily, by availing himself of similar arguments, and the priinciple in the previous case of Swift, have made good his pretensions.

† This material piece of evidence is also new, being neither alluded to by Miss Lennox of Woodhead, or otherwise brought to bear. She besides, in another deed, 10th of August 1423, gave her formal consent to the transaction. Vide Reg. Mag. Sig. Lib. III. 84.

|| This is important, and confirms a previous remark. Walter was son and heir of Dutchess Isabel, so the next female heir of Earl Duncan after her, and their respective consents are elsewhere taken in similar alienations—which shows that they, and not Donald, were the Earl's immediate heirs, controlling at the same time the meaning of " lawfwell," or " legitimate."

de Levenax," of the lands of Ballegrocher. The latter, the deed confirmed, is dated 20th of August 1423, and is witnessed by the Earl.

This Donald, admitted to be ancestor of Woodhead, is elsewhere styled "nobilis vir;" but the epithet clearly was not always exclusive to nobility;—nay, it sometimes was not even baronial, and it certainly was applied to bastards. Neither is his armorial bearing important, for he only used that of Lennox, with a common mark of cadency, a difference which was imparted to spurious children. He is styled "consanguineus" of Lord Hamilton; but to all ver-sant in our ancient practice, the circumstance must be in like manner immaterial.

In the marriage-settlement of Dutchess Isabel in 1391, it is stipulated, that, in the event of her father having a son, either he, or the latter, (who, of course, would have succeeded to the Earldom,) was to pay her as her portion, two thousand merks Sterling. This is converted into an argument—as a kind of millstone or clog, (as well as the power of the Albanys)—whereby, owing to the supposition of Donald being unable to advance the sum, he was in consequence for ever barred from the Earldom. But this is pure conjecture, and, at any rate, if legitimate, he would at once have been entitled, when the succession opened, to have entered into the fief, by the transcendently superior value of which, the debt would have been easily liquidated. \*

And, in respect to the tyranny or despotism of the Albanys—not yet instructed in this particular case—as even that ceased by their destruction at the moment when Earl Duncan died, who was arrested by the same blow;—and during the life of Donald, who was not affected by the catastrophe, there was far from being any obstacle arising from the circumstance to prevent him from establishing his pretensions. On the contrary, the crisis was opportune, and he would rather have asserted his birthright under favourable auspices.

In short, there being nothing more on this side, and we being perfectly ignorant of the matrimonial alliances of Earl Duncan, never did a case more exclusively hinge in the most favourable view for Donald, upon one solitary point,—namely, the import of the words "laffwell son," or "filio legitime," that have been applied to him. And their effects, and whether they can counterbalance the opposite evidence—confessedly most weighty— involves its very essence.

And here it is remarkable, that the phrase "lawful son," as denoting legitimacy at common law, did not technically prevail with us, until the commencement of the sixteenth cen-

\* It is stated in the case of Margaret Lennox of Woodhead, that Lord Hailes estimated the two thousand marks in question, "as more than equivalent to 30,000*l.* of modern currency." But what was that sum in comparison of the value of the Earldom, or rather Province, of Lennox? Macpherson represents the latter, as "comprehending the whole Shirrefdom of Dumbarton, with the half of Strivelin" (Stirlingshire). Nay, the previous case informs us, that the Earldom originally was "immense"—"extending over Dumbartonshire, great part of Stirlingshire, and a part of the Counties of Perth and Renfrew."

p. 65.

Miss Lennox of Woodhead says, that "Isabella Duchess of Albany,"—"and her husband, had been feudally vested in that noble Fief, (the Earldom of Lennox,) in fulfilment of the indenture in 1391, (formerly mentioned,) at the period of their marriage,"—and then it is added, they were "in feudal possession,"—"in virtue of that settlement—of the marriage—and of the royal charter which followed."

ib. p. 63.

It really would have been highly desirable if Miss Lennox had been here a little more explicit, for the public are quite unaware of any infestation, or feudal possession, they then obtained,—or at least, which is all that is material, during the existence of Donald, and before the death of Earl Duncan in 1425.

ib.

Geog. Ill. of Scott. Hist.—art. "Levenox"—"Lennox," Case, p. 2.

tury. Nay, the Woodhead family are unable to adduce one identical cotemporary Scottish precedent, \*—while it is observable, the term “lawful,” even at the later period, was descriptive of that partial legitimacy which our kings were in use to confer upon issue undoubtedly spurious.

It hence was equivocal in its meaning, and besides, in one of the Woodhead grants, “legitime,” and not “legitimus,” (the adjective) is employed, which may possibly be the French word “legitimé,” borrowed perhaps like others from our Gallican neighbours—however awkwardly here embodied—and actually expressive, as in its noted application to the spurious offspring of Lewis the Fourteenth, of the previous signification.

These circumstances then, including the novelty of lawful son originally, and its application to Donald in 1423 as if to denote a *status* beyond the range of common law, may be deserving of consideration.

But again, it is certain that the deeds quoted in reference to Donald, which have not been publicly scrutinized, are privative to himself, and purely derived from the secret repositories of his family,—and it may be now argued, that Donald appeared in a different character in extraneous documents, and on occasions directly affecting third parties, owing to the recent discovery that has been alluded to.

That discovery is an original charter, by Earl Duncan, his father, dated at Kylerne, “12th of August 1423—(hence long after the first deed, where Donald is styled “Laffwell,” and only seven days before the one, where “legitime”—in which he confirms a grant by Sir William Graham, Donald’s superior of the lands of Balleclerach, in Campsy, to John Brisbane, and which is witnessed by “Malcolmo, Thoma, et Donaldo filiis nostris naturalibus.” †

Hence Earl Duncan is certainly proved to have had a natural son, Donald, and not unlikely the same, upon a proper balancing of all the previous circumstances, with Donald, ancestor of Woodhead, particularly from the identity of their name.

But the Author is far, indeed, from wishing to undervalue the interests of the family of Woodhead; and after observing it is possible to suppose—though not yet instructed—that there may have been two Donalds, one “laffwell,” (not using perhaps, the term in the modern sense), their ancestor, and the other natural, § he will now, having discharged his duty, leave the further determination of the matter to the judgment of the Public.

\* Miss Lennox of Woodhead, appeals in her case to Regiam Majestatem; but it is needless to add, the Regiam is no decisive authority, especially in a controverted point.

† Malcolm was probably the ancestor of the Lennoxes of Blarschogill, whom Douglas inaccurately represents as of Woodhead. There is a Royal charter, 20th of February 1477, “Donaldo de Levenax filio juniori Malcolmi de Levenax de Blarschogill,” of the lands of Blarschogill, “in comitatu de Levenax,” &c. proceeding upon Malcolm’s resignation.

Thomas, the other brother, apparently got the lands of Bullatis, also lying “in comitatu de Levenax;” for there is an original charter of them by James the First, 29th of October 1436, to John Scrimgeour, upon the forfeiture “quondam Thomæ de Levenax, filii quondam Comitis de levenax.”

§ It however must be kept in view, that the deed which Donald witnesses as the natural son, is in reference to a property (Balleclerach) exactly contiguous to Ballyncorrauch, the original patrimony of Donald the “laffwell son,” and both Donalds held of Sir William Graham as superior.

## No. II.

(Referred to, p. 13.)

CHARTA de Terris de Buthernock, facta Johanni de Hamilton, per Duncanum Comitem de Levenax.

Chartul. of Paisley,  
Ad. Lib. 39.

Omnibus hanc chartam visuris vel audituris, Duncanus Comes de Levenax salutem in Domino sempiternam. Vesta noverit universitas nos dedisse, concessisse, et hac præsenti charta nostra confirmasse dilecto et fideli nostro *Johanni Hamilton*, pro suo homagio et servitio, totas terras de Buthernok, cum suis pertinentiis, jacentes in Comitatu nostro de Levenax, infra vicecomitatus de Strivelyng, et de Dumbretane, *quas DOMINUS Johannes de Hamilton anteà de nobis tenuit in capite, et has DICTUS DOMINUS Johannes, non vi, aut metu duc-tus, nec errore lapsus, sed mera et spontanca voluntate sua, nobis per fustum et baculum in præ-sentia plurimorum virorum nobilium, apud Port-Glassach sursum reddidit, pureque et simpliciter resignavit, ac totum jus et clameum quæ in iisdem terris cum pertinentiis ejusdem habuit vel ha-bere potuit, pro se et hæredibus suis omnino quietum clamavit in perpetuum.* Tenendas et Haben-das dictas terras cum pertinentiis, eidem *Johanni* et heredibus suis, de nobis et hæredibus nostris in feodo et hereditate per omnes rectas metas et divisas suas, in boscis, planis, moris, maresiis, pratis, pascuis, et pasturis, in viis et semitis, aquis, stagnis, et molendinis, aucupationibus venationibus,\* et piscariis cum tenandis et tenantium servitiis, una cum ecclesiarum advocationibus, cum omnibus aliis libertatibus, commoditatibus asiamenti, et justis pertinentiis quibuscum-que, ad dictas terras cum pertinentiis spectantibus, seu quoque modo juste spectare valenti-bus in futurum: libere, quiete, plenarie, integre et honorificè, benè, et in pace sine Retino-mento quocunque. Reddendo inde annuatim *dictus Johannes* et hæredes sui, nobis et hæredibus nostris, dimidiā marcam argenti infra nundinas de Glasgow, et faciendo inde nobis et hæredibus nostris servitium antedictum; et forinsecum servitium domini nostri regis cum eve-nerit, quantum pertinet ad tantas terras, infra nostrum Comitatum de Levenax, pro omni servitio seculari, exactione, et demanda. In cuius rei testimonium sigillum nostrum, præsenti chartæ nostræ fecimus apponi. His testibus Domino Johanne de Striveling, Umfrido de Cun-nyngham Militibus, Umfrido de Colquhoun, Waltero de Buchanane, Alexandro Logane senescallo nostro, Johanne Ménzies, cum multis aliis.

Then immediately follows in the Chartulary a confirmation by Earl Duncan, dated 6th of May 1394, of a subsequent settlement by John the disponee, of Buthernok, in favour of Margaret Fraser "sub spe matrimonii," to be held by them in terms of the preceding grant, which is expressly referred to.

40.

Taking the title of this confirmation in 1394 into computation, John, the disponee, is mentioned three times, and always without any knightly accompaniment, in the same way as he had been designed, and no less than four times previously, in the first document, in marked contrast to Sir John the resigner.

\* This is missed out in Dr Hamilton's transcript.

## APPENDIX.

## No. III.

(Referred to p. 13.)

## WILL OF GAVIN DOUGLAS, BISHOP OF DUNKELD, IN THE YEAR 1522.

INVENTARIUM omnium bonorum quondam Reverendi in Christo patris, et domini, Gawini, miseratione divina, Episcopi Dounkeldensis, factum apud hospitium domini Dacris in partibus Anglie, in parochia Sancti Clementis prope Lundonum, decimo die mensis Septembris, anno Domini millesimo, quingentesimo, vicesimo secundo, coram his testibus, Henrico Grahame, Johanne Baxtar, domino Jacobo Hendersoune, Capellano, et Magistro Davide Douglas, presbitero, ac notaro publico. IN PRIMIS res et bona in palatio Dunkeldensi, magister Robertus Grahame, Canonicus ejusdem, habet sub inventario manu publico notario-rum signato. Item bona in Clony, Silvester Retray in Gudy, habet inventarium eorumdem manu magistri Alexandri Douglas Canonici Dunkeldensis conscriptum. Item bona in Crawmound, Archibaldus Douglas, germanus noster, habet in custodia. Item bona in hospitio Ville Sancti Johannis, dominus Thomas Paule Capellanus habet sub inventario. Item bona in hospitio Edinburgi, dominus Johannes Geddes Capellanus, habet in custodia.

Item fatetur se habere *in bonis*, viz. in integris procriptionibus sue Diocesis Dunkeldensis, Anni Domini millesimi quingentesimi vicesimi primi, nonaginta quatuor libras monete Scotie, salvo justo calculo. Et de quotis testamentorum ejusdem anni, extendentibus per *bonam* estimationem ad summam centum librarum, salvo justo calculo ut prefertur. Item fatetur se habere de firmis terrarum suarum termini Penthecostes ultimi elapsi, extendentibus in pecunia ad ducentas quinquaginta libras, in manibus Magistrorum Georgei Hepburne, Decani Dounkeldensis, et Roberti Grahame canonici ejusdem, quos constituimus nostros vicarios generales, factores, et procuratores ad lites, causas, et negotia nos tangentia, et concernentia. Item fatetur se habere de decimis garbalibus Ecclesiarum parochialium de Littell Dounkeldensi, et Capeth, extendentibus ad decem et novem celdras victualium farine, viz. et ordei, de croppa anni instantis, viz. anni etc. quingentesimi vicesimi secundi, et de eisdem Ecclesiis viginti octo eeldrarum avenarum pro pabulis equorum, pretium bolle farine pretium bolle ordei ac pretium bolle avenarum summa. Item fatetur se habere in decimis garbalibus Ecclesie parochialis de Cargill ejusdem croppae, extendentibus ad triginta duas celdras farine, et ordei, pretium bolle farine pretium bolle ordei

Summa. Item in decimis garbalibus Ecclesie de Ouchtergavyn, extendentibus ad decem celdras, et octo bollas farine, et ordei, pretium bolle farine pretium bolle ordei Summa. Item in decimis garbalibus Ecclesie de Tibbermure viginti octo celdras farine et ordei, pretium bolle farine pretium bolle ordei Summa. Item in decimis garbalibus Ecclesie de Forgundyny, extendentibus ad triginta celdras farine, et ordei, pretium bolle farine, pretium bolle ordei Summa. Salva tamen semper estimatione equitantium decimas garbales predictarum Ecclesiarum. Item fatetur decimas garbales Ecclesie de Alithe concessas et allocatas nobili et potenti domino de Glammys, pro solutione dotis. Item in manibus Archibaldi Douglas germani nostri, pro assedatione garbaliu Ecclesiarum Par-

chialium de Abirlady, et Abercorne, de croppa anni instantis, extendentium ad summam tringintarum quinquaginta duarum marcarum monete Scotie predicte, ut patet in dicta assedatione. Item fatetur se habere in manibus Hugonis Douglas burgensis de Edinburghe, pro assedatione decimorum garbalium Ecclesie de Crawford e jussim anni, extendentium ad summam ducentarum quadraginta marcarum monete predicte. Item fatetur se habere in manibus Davidis Berclay de Cullerny, pro assedatione decimorum Ecclesie Parochialis de Strathmiglo, extendentium ad summam ducentarum quadraginta marcarum. Item fatetur sibi deberi pro decimis garbalibus Ecclesiarum de Boncle, et Prestoune, per intromissores eorundem, summam octoginta marcarum. Item fatetur se habere in vestibus corporeis in partibus Anglie, unam togam le tany satyn cum le soumyeis. Item unum par le chimeris de nigro le satyn. Aliud par le chimeris de panno laneo violeti coloris, cum capuceo utriusque pari convenienti, pretium xl s. monete sterlingorum. Item unam togam luteam cum strictis manicis furritam, cum le blaklinyen pretum v. merkis; Aliam togam de tanny grauss, cum parte interiori de chalmelett. Item unam cinctam togam de le satyn, pretium. . . . Et alteram togam de panno laneo nigro, pretium. . . . Item duo collobia curta, sive clamides vulgariter le chimeris, unam, de black satyn, et aliam de Chalmelet, pretium xxvi s. viii. d. Item unam togam laneam in Scotia violeti coloris furritam, cum le soumyeis. Item unum capuceum de satyn rubei coloris ex parte exteriori, et nigri coloris ex parte interiori. Item aliud capuceum de le bleue welyott, et aliud de nigro welyott. Item octodecim Röchetas, pretium ciii libras, duo paria galgarum, tres camisias, duo birreta. Item fatetur se habere unam pelvim argenteam, cum lavacro, ponderis iii li iii unciarum, summa viii librarum; unum ciphum argenteum cum coopertorio, ponderis ii li. xiiii unciarum, summa v li viii s. xi d.; unam cratheram argenteam cum coopertorio, ponderis xi unciarum, summa xxxiiii s. x d. Item vii coclearia argentea, ponderis viii unciarum, i quarter, summa xxiiii s. Item quinque annulos aureos, cum gemmis, ponderis duarum unciarum, summa iiiii librarum. Item unam calicem argenteam, cum patera, ponderis xi unciarum, summa xl s. Item duos urceolos argenteos, ponderis trium unciarum, summa x s. Item unam pelvim argenteam, impignorata Venerabili viro Willielmo Holgill, Preceptoru Hospitalis Sancti Johannis de Savoye predicte, pro Summa quinquaginta duorum nobilium, continentem pondus octo librarum. Item fatetur se habere duos ciphos argenteos, cum crathera, et coopertorio, impignoratos Johanni Johnesouni civi Londonii, pro viginti nobilibus aureis, pondus cuiuslibet cippi xxiiii unciarum, et pondus crathere cum coopertorio. . . . \*

Item fatetur se habere in pecunia monitata, duodecim scuta gallicana aurea, de pondere l ii s. Item fatetur se habere duos mulos, unum masculum, et aliud femellam, et duos equos, unum, viza pili albi, et aliud pili bruneti.

SUMMA OMNIUM BONORUM.

Angliae regis etiam ab eis statim summa debita que sibi debentur.

DEBITA QUE SIBI DEBENTUR.

In primis, Anthonius Duninaldis Mercator, Londinii commorans, tenet sibi astrictus in

. . . . .

Something here is wanting to complete the sentence.

. . . . .

## APPENDIX.

summam undecim librarum sterlingorum; de resta majoris summe pro excambio facto ex opido de Deip ad Civitatem Londonensem, ut patet ex tenore obligationis dicti Anthonii. Item quoad reliqua debita que in partibus Scotie sibi debentur, refert se compotis sui Camerarii, et granatariorum suorum.

## DEBITA QUE ALIIS DEBENTUR.

IN PRIMIS sponse quondam Roberti Richardsone, burgensis de Edinburghe, ducentas marcas, et ultra, ad bonum compotum. Item Johanni Ermar, burgensi de Perth, et uxori Wilhelmi Bell, penes eorum debita, refert se suo priori testamento ante suum recessum, necnon camerario suo Dounkeldensi, et Domino Thome Paule granatario suo apud Perth, quoad solutionem eorundem, et defalcationibus, et acquitantiis eorundem desuper receiptis. Item penes debita Magistri Edwardi Cunynghame, et quantum ad solutionem eorundem, refert se Domino Johanni Geddes presbytero, et acquitantiis dicti Magistri Edward desuper exhibitis. Item fatetur se debere Magistro Matheo Geddes, pro pecunia mutuata, viginti quinque marcas monete Scotie. Item diversis civibus Londonensibus, pro suis cotidianis sumptibus in esculentis, et poculentis, ut patet in libris dietarum, extendentibus ad xli noble, xvii grotis, iii d: —summa xiii li. xvii s. viii d. Item Richardo Wilkensoune hospiti suo, decem le nobillis, quatuordecim grossos—summa li s. Item pro custodia equorum domui, et familie sue, ad gramina, viii s. Item pro liberatione, et redemptione Margarete Creichtoune de le Comptoure, tempore egritudinis eundem tunc custodientis, summa viginti trium solidorum, pro cuius solutione prestitit fidei-jussores. Item Domino Dacris, decem libras. Item scissoriibus pro galigis, et factura vestimentorum, xiii s. iiiii d. Item lotrici vestimentorum Domini, v s. iiiii d. Item Domino Thome Paule granatario de Perth, summa septem librarum, quinque solidorum, x d. deliberata Georgeo Geddes Senescallo, pro necessariis Domini misse Dunkeldensi.

## SUMMA DEBITORUM.

## SUMMA OMNIUM BONORUM DEBITIS ABSTRACTIS.

CUM nichil sit certius morte, nec incertius hora mortis, hinc est quod Ego Gawinus, Indignus Episcopus Dunkeldensis, eger corpore, sanus tamen mente, condo Testamentum meum in hunc modum: *In primis do et lego animam meam deo omnipotenti, beatissimeque Marie, et Sancto Columbe patrono meo, totique celesti contubernio, corpusque meum sepieliendum in choro Ecclesie Hospitalis Sancti Johannis baptiste de Savoie, prope London.* Item, do et lego prefato Hospitali unum par le chimeris de nigro le satyn, cum capuceo eiusdem. Item, do et lego Ecclesie parochiali Sancti Clementis pro jure funerali, meam togam de le tany satyn furitam cum le soumyeis. Item, do et lego Sacerdotibus in die sepulture mee indigentalibus, et pro cereis, et reliquis necessariis ad nostras exequias spectantibus, summam trium librarum xiii s. iiiii d. Item, do et lego Magistro Matheo Geddas

Capellano nostro, togam laneam violeti coloris in Scotia furritam, cum le soumyeis. Item, Magistro David Douglas Capellano, togam meam de le tany grauss, cum le chalmelett ex parte interiori. Item, Margarete Douglas consanguinee nostre, cum Petro Carmychell avunculo nostro, trcentas marcas. Item, Christiane Douglas consanguinee nostre apud Elchok, ducentas marcas. Item, Henrico Grahame consanguineo nostro centum marcas. Item, Johanni Baxtar centum marcas, si bona adhuc exstendunt ultra solutionem debitorum, sinautem quadraginta libras secundum modificationem Executorum. Item, Georgio Geddes familiari nostro, quadraginta marcas. Item, Hugoni Johnesouni familiari nostro, quadraginta marcas. Item, Majistro David Douglas, decem libras. Item, domino Jacobo Hendersone, decem marcas. Johanni Buyde, alias Delamott, decem marcas. Item, Johanni M'Cuddy coquo, quadraginta solidos. Item, do et lego Mulos et equos meos antedictos meis servitoribus non habentibus equos, equaliter inter ipsos distribuendos. Residuum omnium bonorum meorum do et lego in dispositione Executorum meorum, viz. Archibaldi Douglas germani nostri, et Magistri Roberti Grahame Canonici Dunkeldensis, quos, ut memini, constitui meos Executores in priori meo testamento, veluti pro presenti constituo, quibus addo et constituo Georgeum Douglas consanguineum meum, et magistrum Matheum Geddis, Vicarium de Tibbirmure coexecutores. Insuper constituo venerabilem et egregium virum dominum Willelmum Halgill, preceptorem dicti Hospitalis de Savoie, superiorem, et moderatorem bonorum meorum antedictorum in partibus Anglie existentium, ut ipsi disponant hujusmodi bona pro salute anime mee, prout respondere voluerint coram summo Judice, in districto examini. Nolo insuper in aliquo derogare priori meo Inventario, vigore constitutionis presentis testamenti, et executorum in eodem, sed volo quod utrinque sortiatur effectum pro mea ultima voluntate perimplenda.

pro Registratione, viii. s. iii. d. ob.

PROBATUM fuit presens Testamentum coram nobis Johanne Alen, juris utriusque doctore, canonico ecclesie Cathedralis Lincolnensi, Reverendissimi in Christo Patris, et domini, domini Thome miseratione divina, titulo sancte Cécilie, sacrosancte Romane ecclesie Presbiteri Cardinalis, Eboracensis Archiepiscopi, Anglie primatis, magnique Cancellarii ejusdem, ac Sedis Apostolice nati, atque etiam de latere inibi Legati, Commissario Generali, sufficierter, et legitime in hac parte deputato; xix die Mensis Septembris, Anno Domini millesimo, quingentesimo xxii<sup>o</sup>, et per nos approbatum, insinuatum, legitimeque pronunciatum pro valore ejusdem; Commissaque fuit administratio omnium et singulorum bonorum, et debitorum testatoris suprascripti defuncti, Magistro Matheo geddes, uni executorum in hujusmodi testamento nominato, de bene et fideli administrando eadem, et de perimpleudo predictum testamentum, necnon de vero et pleno computo, calculo, sive ratiocinio, nobis aut alii judici, vel judicibus in ea parte, competentibus cum ad hoc debite requisitus fuerit, reddendo, in forma juris jurato, salvo jure cuiuscunque. Datum Londonii, sub sigillo prefati Reverendissimi Patris, quo in hac parte utimur, die et anno predictis.

Previous to the period of his death, the above venerable Prelate who reflects so much honour upon the literary character of his country, had been stripped of the Bishoprick of Dunkeld, owing to political considerations, that also induced him to repair to England.

Dr Irving upon the authority of Hollinshed,\* affirms, he obtained a pension from Henry VIII., but this may be doubted as there is no allusion to the circumstance, or to the arrears of any pension,—which in such event might be expected,—in the general inventory of his means and effects. On the contrary the Bishop seems to have been reduced to straits, as he is obliged to pawn some of his silver plate.

The precise period of his death has been disputed by historians; but although there be no date to his *Will*, the occurrence may have been shortly before September 1522, the date of the Probate.

He mentions one *consanguineus*, and certain *consanguinei* of the name of Douglas, besides his brother Archibald Douglas; and as the only charge brought against his moral character was a breach of chastity, most common indeed among cotemporary ecclesiastics, it is not improbable that some of these may have been his offspring, the former terms having occasionally the same signification with “nepotism.” Godscroft affirms he had a natural daughter married to Sempill of Fulwood.

II. 28.

Brit. Mus. Cott. Cal.  
B. VI.

Weaver's Ancient Fun-  
erary Monuments,  
446.

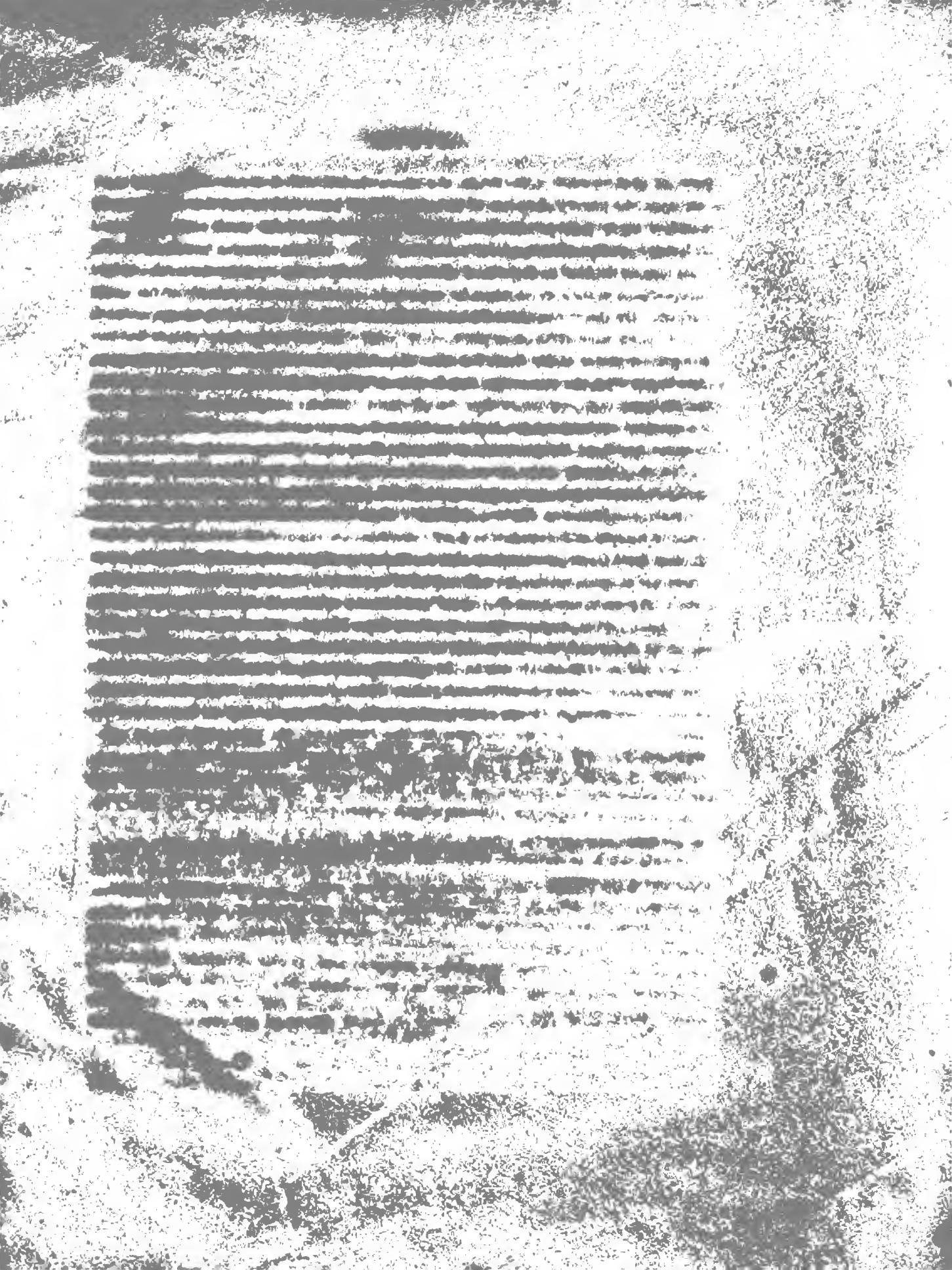
Thomas Lord Dacre, at whose mansion the Bishop probably died, was a politician and public character of great eminence; and it further appears, by an original letter in 1515, that he was “off kyne to my Lord of Angus,” and hence a relative of the Bishop, whose father was the great Earl of Angus. This is a circumstance hitherto unnoticed, nor is any clue yet afforded for discovering the relationship between the noble Houses of Angus, and Dacre.

Gavin, Bishop of Dunkeld, was buried agreeably to his injunction in the Hospital-Church of the Savoy, on the left side of Thomas Halsay, Bishop of Leighlin, “*Anglicorum Penitentiarius*,” where there was a stone bearing his style, and that he died an exile in the year 1522.

The preceding Will is curious, as being almost the oldest document of the kind respecting a Scottish person of note, and it is even fuller, and more precise than many subsequent ones.||

\* *Vide* his interesting life of Gavin Douglas, in the *Lives of the Scottish Poets*, Vol. II. p. 15.

|| The Original is in the charter-chest of the ancient family of Lindsay of Dowhill. The words have been rendered without the contractions.









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